

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)).)

Dated: July 6, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

[FR Doc. 78-19230 Filed 7-13-78; 8:45 am]

[4110-03]

SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION

[Docket No. 76N-0152]

PART 155—CANNED VEGETABLES

Canned Tomatoes; Confirmation of Effective Date of Final Regulation Amending Standards of Identity and Quality

AGENCY: Food and Drug Administration.

ACTION: Final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of a final regulation that amended the standards of identity and quality for canned tomatoes and makes certain editorial changes for clarification.

EFFECTIVE DATE: Compliance with the final regulation may have begun August 16, 1976, and all products initially introduced into interstate commerce on or after July 1, 1979, shall fully comply.

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 Food and Drug Administration issued a final regulation in the FEDERAL REGISTER of June 16, 1976 (41 FR 24342) to amend the standards of identity and quality for canned tomatoes (21 CFR 155.190 (a) and (b), formerly 21 CFR 53.40 and 53.41, respectively, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) in consideration of the "International Standard for Canned Tomatoes" submitted to the United States by the Food and Agriculture Organization/World Health Organization Codex Alimentarius Commission. The final regulation established requirements for stewed tomatoes and provided for the use of tomato juice as an optional packing medium and "whole and pieces" and "pieces" as optional styles. It also required the label declaration of all optional ingredients and other changes that to the extent

practical make the U.S. standards consistent with the Codex standards for canned tomatoes.

Three trade associations filed objections to the final regulation. Objections included the following: a request for a hearing; a request that the Commissioner stay the effective date of several provisions and make editorial revisions to several others; and a request that the Commissioner reconsider several provisions that were not adopted in the final regulation. Two requests were later received for an extension of the January 1, 1978 labeling compliance date. A discussion of the objections and request for changes follows below.

LIMIT ON USE OF CALCIUM SALTS TOO LOW

Two associations objected to the provision in § 155.190(a)(2)(i) that limits the optional use of calcium salts to firm tomato dices, slices, and wedges such that the total calcium level in the finished food is not greater than 0.08 percent. They argued that the 0.08 percent level was too low to adequately firm the cut styles of tomatoes.

Both associations later withdrew their objections to the provision. Consequently, the Commissioner is retaining the provision in § 155.190(a)(2)(i) that limits the calcium salts to 0.08 percent calcium in tomato dices, slices, and wedges.

LABELING OF CERTAIN STYLES OF TOMATOES

Two of the association objected to the mandatory label designation of the styles "whole and pieces" and "pieces" as required by § 155.190 (a)(5)(ii)(d). One requested a hearing to resolve the issue. The associations argued that the requirement is inconsistent with the Codex standard as well as the FDA standard of identify for canned tomatoes that has been in effect since 1970. They said the existing standard permits tomatoes failing to meet specified criteria for wholeness to be labeled simply "tomatoes" ("stewed tomatoes," where applicable). They asserted that no opportunity was given for public comment, as labeling requirements for the two styles were not in the proposed standard published in the FEDERAL REGISTER of April 29, 1974 (39 FR 14971). They further asserted that consumers would be confused by the new designations and may erroneously conclude that a product labeled "whole and pieces" is inferior to the product previously called "tomatoes." The associations pointed out that the terms for different styles are not defined in the standard of identify and that processors have no guidelines to determine which style designation to use on labels for tomatoes. They added that, in addition to consumer confusion, the change from

current industry practice will cause unnecessary labeling and marketing costs.

The Commissioner has reviewed the question about labeling these styles of tomatoes. The labeling requirement was not provided for in the April 29, 1974, proposal; consequently, consumers and other interested persons have not had an opportunity to comment on the change. The Commissioner finds merit in the argument that it could create consumer confusion and add unnecessary costs to industry to require now the declaration of these styles on the label of a product that for years has been marketed as tomatoes. Therefore, the Commissioner is deleting the labeling requirement for "whole and pieces" and "pieces" from the standard. In view of this change, and since the regulation did not set forth a definition describing these styles, he is also deleting the provision for them in § 155.190(a)(4) below. Consequently, the requested hearing is unnecessary.

SIEVE SIZE FOR DETERMINING DRAINED WEIGHT

One association objected to the size of the sieve designated in § 155.190 (b) (2)(i) for determining the drained weight of stewed tomatoes. It said that as much as 10 percent of the food in stewed tomatoes may be vegetable ingredients, and these ingredients would fall through the openings of the coarse screen and not be measured as drained weight. It suggested that a No. 8 screen (with square openings of 0.0937 inch) should be used.

The Commissioner recognizes that the sieve designated in § 155.190 (b) (2)(i) for determining the drained weight for canned tomatoes, including stewed tomatoes, has openings that may allow some vegetable ingredients to fall through the screen and that § 155.190(b)(1) sets forth the same drained weight requirement for stewed tomatoes as it does for canned tomatoes. But the objector has not identified or provided any information to show that stewed tomatoes drained on the currently required No. 2 sieve will not meet the 50 percent minimum drained weight requirement. Furthermore, as an integral part of the objection, the substitution of a No. 8 screen for a No. 2 screen was sought. If a No. 8 screen were substituted, small-sized tomato pieces would not fall through the screen and would be counted as drained weight. At present these small tomato pieces are not considered part of the drained weight when a No. 2 screen is used. The current provision is aimed at insuring that the food contains a minimum amount of whole or fairly discrete pieces of tomato and vegetable ingredients. The objection provided no information in support of any particular drained weight using a

No. 8 size screen, or any other information to show that the No. 8 screen provides a drained weight that adequately serves the consumer's interest. The objector has failed to show that the information submitted in the objection would be adequate to justify a factual determination or a change in the regulation in the way sought. An evidentiary hearing will be granted only if it has been shown to be necessary to resolve disputed issues of fact that determines the outcome. In the absence of such supporting information the Commissioner is denying the objection and is retaining the requirements set forth in the final regulation. But he will consider a petition proposing to amend § 155.190(b) to provide for the use of a different sieve size for determining drained weight for stewed tomatoes if adequately supported and if meaningful drained weight data obtained from various lots of stewed tomatoes using a No. 8 size sieve are provided.

NO PROVISION FOR USE OF STARCH AND LIQUID SWEETENERS

An association of ingredient suppliers that responded to the proposal by requesting that food starch modified and liquid sweeteners be provided for as optional ingredients in stewed tomatoes renewed its request for the inclusion of these substances in the standard and asked the Commissioner to reconsider his decision to delete the provision for the use of starch from the final regulation. The association asserted that starch is needed for technological reasons in making a stewed tomato product. It expressed the opinion that the U.S. standard should be completely harmonious with the Codex standard and that it cannot be unless it includes a provision for the use of starch. In addition, the association suggested that food starch modified is more satisfactory than starch for use as a stabilizer and can be used at a lower level. The association said that, before the next meeting of the Codex Processed Fruit and Vegetable Committee, its industry expects to request that a provision for the use of food starch modified be included in the Codex standard.

As regards liquid sweeteners, the association said its suggestion to use liquid sweeteners "was based on modern technology to avoid the handling of dry products." It said the amount of sweeteners included is "de minimus" since it is restricted to a sufficient amount to counteract the tartness of added organic acids. The association recognized that the FDA policy has been to consider sweeteners that contain water inappropriate for use in products where water is not normally added as an ingredient. But it said that it did not believe that past policy should prevent FDA from adopting a

change that would encourage economic and technical improvement.

The Commissioner concludes that the information furnished by the objector failed to overcome the concerns that he expressed in the preamble of the final regulation. These concerns were that the use of starches may mislead consumers and that to his knowledge they are not currently being used by U.S. manufacturers of stewed tomatoes. If the association believes that labeling can prevent the consumer from being misled about the use of starch and its replacement of tomato and vegetable ingredients, it should file a petition to seek a change in the regulation. Any change to permit the use of starch should only be made after public notice and opportunity for comment.

The Commissioner also stated that a liquid sweetener is not an appropriate ingredient for use in canned tomatoes and/or stewed tomatoes because the water contained in the sweetener would dilute the products. In the absence of a positive showing that adding the starches and liquid sweeteners would be in the interest of consumers, he is retaining the relevant provisions as set forth in the final regulation.

DIFFERENCES BETWEEN PACKING MEDIA

One of the associations requested "that a distinction be made" between the packing medium "liquid strained from mature tomatoes" provided for in § 155.190(a)(3)(iii) (for which no labeling requirements are included) and the packing medium "tomato juice" provided for in § 155.190(a)(3)(iv) (which may be declared on the label as tomato juice). It stated that the provision is not clear in light of a statement made in the preamble of a document published in the FEDERAL REGISTER of February 27, 1970 (35 FR 3804) indicating that the canned tomato standard already provided for tomato juice as an optional ingredient.

In researching the records to determine whether there is a difference between "the liquid strained from mature tomatoes" and "tomato juice," the Commissioner found that the 1970 statement referred to by the comment was based on a Trade Correspondence (TC 57), dated February 15, 1940, indicating that FDA issued an opinion that "the liquid strained from mature tomatoes" was the standardized product "tomato juice" (21 CFR 156.145) and that it may be declared on the label as "with added tomato juice". Consequently, the Commissioner concludes that there was a duplication of packing media in the final regulation published in the FEDERAL REGISTER of June 16, 1976. Therefore, the duplicative provision is deleted for the packing medium "tomato juice" in § 155.190(a)(3)(iv), and § 155.190(a)(5)

(iii)(c) is amended to provide for the optional label declaration of the words "in tomato juice" when the optional packing medium provided for in § 155.190(a)(3)(iii) is used.

WHAT ARE "NATURAL" VEGETABLE INGREDIENTS

Several associations asked that the term "natural" used in the phrase "natural vegetable ingredients" in § 155.190(a)(2)(vii) be defined. One association said some interpretations of "natural" would not include dehydrated vegetables. It said most manufacturers of stewed tomatoes commonly use dehydrated vegetables in their products.

The Commissioner recognizes that the § 155.190(a)(2)(vii) provision is not clear whether or not dehydrated vegetables are included within the term "natural." Further, he is aware that different meanings or uses of the term may cause confusion. Since it was the intent of the provision to include the use of fresh, canned, frozen, and moisture-reduced vegetable ingredients, § 155.190(a)(2)(vii) is revised to indicate that the use of these forms of vegetables is permitted in stewed tomatoes, and the term "natural" is deleted from § 155.190 (a)(2)(vii) and (a)(5)(ii)(b).

"WHOLE" TOMATO REDEFINED

Two associations pointed out a misstatement in § 155.190(a)(5)(iii)(a), the provision that specifies the conditions under which a label designation of "whole" may be used.

The requirement in the standard of identity published in the June 16, 1976, FEDERAL REGISTER stated that the word "whole" may be included as part of the name if the tomato ingredient present is whole or almost whole and the drained weight is not less than 80 percent of the finished food. The provision should have specified that 80 percent of the drained weight must consist of "whole" or "almost whole" tomatoes if the word "whole" is used as part of the name. The error was corrected in the FEDERAL REGISTER of March 28, 1978 (43 FR 12858).

REQUESTS FOR EXTENSION OF COMPLIANCE DATE

Two comments requested an extension of the January 1, 1978, labeling compliance date. One association said that unresolved objections are still pending and that orders for labels are now being placed for the 1977 pack of canned tomatoes. The association indicated that 18 months are needed to incorporate the labeling changes required by the amendments.

An ingredient manufacturer submitted the other request for an extension of time. The manufacturer makes a line of plain and combination ingredi-

ent salt tablets, including some containing calcium chloride and/or calcium sulfate, that are used in canned tomatoes. The current standard allows calcium salts to be declared as "trace of calcium salts added." Such labeling allows the canner to use approved calcium salts interchangeably without need for label change, but the revised standard requires the calcium salts used to be declared on the label by their common or usual name. The manufacturer said that because of the severe weather conditions in this country in 1976, extra time is required to use the excess inventory of tablets and labels.

The Commissioner notes that there are no unresolved objections remaining, but concludes that it is reasonable to extend the compliance date to July 1, 1979. This will give manufacturers who may have made label changes consistent with the final regulation as published in the FEDERAL REGISTER of June 16, 1976 (41 FR 24342), the opportunity to exhaust their inventory of such labels.

CLARIFICATION OF PARENTHETICAL EXPRESSIONS

A comment requested clarification of the parenthetical expressions in § 155.190(b)(1) (iii) and (iv). It said that the way the parentheses were used to express the English equivalent to the metric system for peel and blemish tolerances was confusing.

The Commissioner agrees, and he is revising § 155.190(b)(1) (iii) and (iv) to eliminate the confusion.

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 amend the standards of identity and quality for canned tomatoes, 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 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner (21 CFR 5.1), Part 155 is amended in § 155.190 by revising paragraphs (a)(2)(vii), (a)(3) (iii) and (iv), (a)(4), (a)(5)(ii) (b) and (d) and (iii) (a) and (c), and (b)(1) (iii) and (iv), to read as follows:

§ 155.190 Canned tomatoes.

(a) * * *

(2) * * *

(vii) Vegetable ingredients such as onion, peppers, and celery, that may be fresh or preserved by physical means, in a quantity not more than 10 percent by weight of the finished food.

(3) * * *

(iii) The liquid strained from mature tomatoes (tomato juice).

(iv) Tomato paste, or tomato puree, or tomato pulp complying with the

compositional requirements of §§ 155.191 and 155.192.

(4) *Styles.* (i) Whole.

(ii) Diced.

(iii) Sliced.

(iv) Wedges.

(5) * * *

(ii) * * *

(b) A declaration of any added spice, seasoning, or vegetable ingredient that characterizes the product (e.g., "with added _____" or, "with _____" the blank to be filled in with the word(s) "spice(s)", "seasoning(s)", or the name(s) of the vegetable(s) used or in lieu of the word(s) "spice(s)" or "seasoning(s)" the common or usual name(s) of the spice(s) or seasoning(s) used) except that no declaration of the presence of onion, peppers, and celery is required for stewed tomatoes.

(d) The styles: "diced", "sliced", or "wedges" as appropriate.

(iii) * * *

(a) The word "whole" if the tomato ingredient is whole or almost whole, and the weight of such ingredient is not less than 80 percent of the drained weight of the finished food as determined in accordance with the method prescribed in (b)(2) of this section.

(c) The words "in tomato juice" if the packing medium specified in paragraph (a)(3)(iii) of this section is used.

(b) * * *

(1) * * *

(iii) Peel per kilogram (2.2 pounds) of the finished food covers an area of not more than 15 cm² (2.3 square inches) which is equivalent to 6.8 cm² (1.06 square inches) per pound based on an average of all containers examined provided, however, that the area of peel is not a factor of quality for canned unpeeled tomatoes labeled in accordance with paragraph (a)(5)(i) of this section; and

(iv) Blemishes per kilogram (2.2 pounds) of the finished food cover an area of not more than 3.5 cm² (0.54 square inch) which is equivalent to 1.6 cm² (0.25 square inch) per pound based on an average of all containers examined.

Effective date. Compliance with this final regulation may have begun August 16, 1976, and all products initially introduced into interstate commerce on or after July 1, 1979, shall fully comply.

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

Dated: July 5, 1978.

JOSEPH P. HILE,
Associate Commissioner
for Regulatory Affairs.

[FR Doc. 78-19139 Filed 7-13-78; 8:45 am]

[4110-03]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Glycobiarsol Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the animal drug regulations to reflect previously unpublished approval of a new animal drug application (NADA) held by Sterling Drug, Inc., providing for use of an arsenical anthelmintic for treatment of dogs. The application was originally sponsored by Winthrop Laboratories, but as the result of a change of sponsor, it is now sponsored by the parent company, Sterling Drug Inc.

EFFECTIVE DATE: July 14, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert A. Baldwin, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: Sterling Drug Inc., 90 Park Ave., New York, N.Y. 10016, is the sponsor of a NADA (31-709V) providing for use of 1- and 2.5-gram glycobiarsol tablets for treatment of whipworm infestations in dogs. This rule is to reflect the previously unpublished approval of NADA 31-709(v).

This administrative action does not constitute a reaffirmation of the drug's safety and effectiveness. This application was originally approved April 5, 1966.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), part 520 is amended by adding new § 520.1065 to read as follows:

§ 520.1065 Glycobiarsol tablets.

(a) *Specifications.* Each tablet contains 1 or 2.5 grams of glycobiarsol.

(b) *Sponsor.* See No. 000934 in § 510.600(c) of this chapter.

(c) *Conditions of use—(1) Amount.* 100 milligrams per pound of body

weight (one 1-gram tablet per 10 pounds or one 2.5-gram tablet per 25 pounds of body weight) once daily for 5 consecutive days.

(2) *Indications for use.* For elimination of whipworms (*Trichuris vulpis*) from dogs.

(3) *Limitations.* Administer tablets orally or crush and mix in feed. If required, animals can be retreated 2 to 4 weeks after first treatment. Fasting is not required prior to treatment, and no purgation is needed following treatment. Administer with caution to severely debilitated and emaciated animals. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This regulation is effective July 14, 1978.

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

Dated: July 7, 1978.

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

[FR Doc. 78-19231 Filed 7-13-78; 8:45 am]

[4110-03]

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Amprolium, Ethopabate, Bacitracin, and Roxarsone

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The regulations are amended to reflect approval of a new animal drug application (NADA) filed by IMC Chemical Group, Inc., providing for use of a medicated chicken feed to be used for prevention of coccidiosis, improved feed efficiency, and improved pigmentation.

EFFECTIVE DATE: September 14, 1978.

FOR FURTHER INFORMATION CONTACT:

Lonnie W. Luther, Bureau of Veterinary Medicine (HFV-147), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4317.

SUPPLEMENTARY INFORMATION: IMC Chemical Group, Inc., P.O. Box 207, Terre Haute, Ind. 47808, filed an NADA (105-758V) providing for use of a medicated feed for broiler chickens that contains amprolium, ethopabate, bacitracin zinc, and roxarsone. The combination of amprolium and ethopabate at fixed concentrations of 113.5 and 36.3 grams per ton, respectively, plus 10 to 50 grams per ton of bacitracin zinc and 15.4 to 45.4 grams per ton of roxarsone is to be used to improve feed efficiency and as an aid in prevention of coccidiosis. The combination of the same fixed concentrations of amprolium and ethopabate plus 10 grams per ton of bacitracin zinc and 30 to 45.4 grams per ton of

roxarsone is used for improved pigmentation in addition to its use for the prevention of coccidiosis and improved feed efficiency.

Approval of this application does not constitute a reaffirmation of the underlying human safety data for the combination of amprolium, ethopabate, bacitracin zinc, and roxarsone.

In accordance with the freedom of information regulations and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 558 is amended in § 558.58 by adding to the table in paragraph (e)(1) two new combinations to item (iii), immediately following the entry "Bacitracin 20 to 35 plus roxarsone 34 (0.00375 pct)." to read as follows:

§ 558.58 Amprolium and ethopabate.

(e) * * *
(1) * * *

Amprolium and ethopabate ¹	Combination ¹	Indications for use	Limitations	Sponsor
(iii) Amprolium 113.5 (0.0125 pct) and ethopabate 36.3 (0.004 pct).				
	Bacitracin 10 to 50 plus roxarsone 15.4 to 45.4 (0.0017 pct to 0.005 pct).	Broiler chickens; as an aid in prevention of coccidiosis where severe exposure to coccidiosis from <i>Eimeria acervulina</i> , <i>E. maxima</i> , and <i>E. brunetti</i> is likely to occur; improved feed efficiency.	Do not feed to laying chickens; withdraw 5 d before slaughter; as sole source of amprolium and organic arsenic; do not use as a treatment for outbreaks of coccidiosis; feed as the sole ration from time chicks are placed on litter until past the time when coccidiosis is ordinarily a hazard; amprolium and ethopabate as provided by No. 000006 is sec. 510.600(c) of this chapter; bacitracin zinc as provided by No. 012769; roxarsone as provided by No. 017210; combination as provided by No. 012769.	012769
	Bacitracin 10 plus roxarsone 30 to 45.4 (0.0033 pct to 0.005 pct).	Broiler chickens; as an aid in prevention of coccidiosis where severe exposure to coccidiosis from <i>E. acervulina</i> , <i>E. maxima</i> , and <i>E. brunetti</i> is likely to occur; improved feed efficiency and improved pigmentation.	do.....	012769

¹ In grams per ton.

Effective date: July 14, 1978.

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

Dated: July 7, 1978.

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

[FR Doc. 78-19232 Filed 7-13-78; 8:45 am]

[4210-01]

Title 24—Housing and Urban Development

CHAPTER III—GOVERNMENT NATIONAL MORTGAGE ASSOCIATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-78-557]

PART 300—GENERAL

List of Attorneys-in-Fact

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This amendment updates the current list of attorneys-in-fact by amending paragraph (c) of 24 CFR 300.11. These attorneys-in-fact are authorized to act for the association by executing documents in its name in conjunction with servicing GNMA's mortgage purchase programs, all as more fully described in paragraph (a) of 24 CFR 300.11.

DATES: This amendment is effective July 14, 1978.

ADDRESSES: Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, telephone 202-755-7603.

FOR FURTHER INFORMATION CONTACT:

Mr. William J. Linane, Office of General Counsel, 202-755-4942.

SUPPLEMENTARY INFORMATION: Notice and public procedure on this amendment are unnecessary and impracticable because of the large volume of legal documents that must be executed on behalf of the Association.

1. Paragraph (c) of 24 CFR 300.11 is amended by deleting the following names from the current list of attorneys-in-fact:

Name and Region

Norman Camber, Los Angeles, Calif.
David L. Floyd, Atlanta, Ga.
Fred J. Haupt IV, Los Angeles, Calif.
Grace G. McKay, Atlanta, Ga.

2. Paragraph (c) of 24 CFR 300.11 is amended by adding the following names in alphabetical sequence to the current list of attorneys-in-fact:

Name and Region

Marcelo J. Bueno, Jr., Los Angeles, Calif.
Susan M. Draney, Los Angeles, Calif.

D. Keith Gettmann, Atlanta, Ga.
Robert R. Glinski, Philadelphia, Pa.
Patricia M. Langley, Atlanta, Ga.
Vincent Liott, Philadelphia, Pa.
James L. Smith, Philadelphia, Pa.
Angela Tolotta, Philadelphia, Pa.
Robert M. Tanabe, Los Angeles, Calif.
J. H. Van House, Atlanta, Ga.
Harvey W. Young, Philadelphia, Pa.

(Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).)

Issued at Washington, D.C. on July 6, 1978.

JOHN H. DALTON,
President, Government
National Mortgage Association.

[FR Doc. 78-19465 Filed 7-13-78; 8:45 am]

[4510-27]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION

PART 870—RESTRICTION ON GARNISHMENT

Updating of Regulation To Reflect Effect of Fair Labor Standards Amendments of 1977—Correction

AGENCY: Employment Standards Administration, Labor.

ACTION: Correction of final rule.

SUMMARY: Amendments to the garnishment regulations were published in the June 30, 1978, FEDERAL REGISTER to delete references to the \$2.30 per hour Fair Labor Standards Act minimum wage and substitute \$2.65 per hour which is the current Fair Labor Standards Act section 6(a)(1) minimum wage. By error references in two paragraphs to the lower wage were unchanged. This document corrects these omissions.

DATE: This document is effective as of June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Paul G. Campbell, Director, Division of Minimum Wage and Hour Standards, Office of Fair Labor Standards, Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210, telephone 202-523-7043.

SUPPLEMENTARY INFORMATION: In the June 30, 1978, edition of the FEDERAL REGISTER at 43 FR 28471, part 870 was revised to change the refer-

ence to the \$2.30 Fair Labor Standards Act minimum wage to \$2.65 which under the Fair Labor Standards Amendments of 1977 is the current section 6(a)(1) Fair Labor Standards Act minimum wage.

Paragraph (b) of § 870.10 was amended by revising subparagraphs (1), (2), and (3), but the reference in the last sentence of paragraph (b) immediately preceding subparagraph 1 to the obsolete \$2.30 wage was not corrected. Accordingly, this sentence is deleted and the word "Thus:" substituted therefor.

Also paragraph (c) (2) of § 870.10 was not revised to reflect the \$2.65 wage. This document corrects that omission, with the resulting revision of many other figures in the paragraph which are also based on the Fair Labor Standards Act minimum wage.

This document was prepared under the direction and control of Herbert J. Cohen, Assistant Administrator, Office of Fair Labor Standards, Wage and Hour Division, U.S. Department of Labor.

Accordingly, paragraphs (b) and (c)(2) of § 870.10 are corrected as follows:

§ 870.10 Maximum part of aggregate disposable earnings subject to garnishment.

* * * * *

(b) *Weekly pay period.* The statutory exemption formula applies directly to the aggregate disposable earnings paid or payable for a pay period of 1 workweek, or a lesser period. Its intent is to protect from garnishment and save to an individual earner, the specified amount of compensation for his personal services rendered in the workweek, or a lesser period. Thus:

* * * * *

(c) * * *

* * * * *

(2) The "multiple" of the Federal minimum hourly wage equivalent to that applicable to the disposable earnings for 1 week is represented by the following formula: The number of workweeks or fractions thereof ($\times$) $\times 30 \times$ the applicable Federal minimum wage (\$2.65). For the purpose of this formula, a calendar month is considered to consist of $4\frac{1}{3}$ workweeks. Thus, so long as the Federal minimum hourly wage is \$2.65 an hour, the "multiple" applicable to the disposable earnings for a 2-week period is \$159.00