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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

SALARY RETENTION

Paragraph (c) of § 25.403 is amended and paragraph (d) is added and § 25.411 is added as set out below.

§ 25.403 *Definitions.* * * *

(c) "Reclassification" means any classification action lowering the grade of the employee's position during his incumbency of such position without a material change in duties or responsibilities during the two years immediately preceding the classification action.

(d) "Material change" means either an actual change in duties or responsibilities sufficient in and of itself to warrant a different position grade, or an actual basic change in the nature of the duties or responsibilities although such change is not sufficient to warrant a different grade.

§ 25.411 *Appeals*—(a) *General.* Any employee reduced in grade and compensation by reason of classification action under the Classification Act of 1949, as amended, may appeal to the Civil Service Commission from the administrative determination of his employing agency that he is not entitled to the salary retention benefits of this subpart. This appeal right shall in no way restrict existing appellate rights under Part 22 of this chapter or section 501 (b) of the Classification Act of 1949, as amended.

(b) *Agency notification.* Whenever an agency effects the reduction in grade and compensation of an employee by reason of classification action under the Classification Act of 1949, as amended, such employee shall be advised in writing of the applicability or nonapplicability of the salary retention benefits of this subpart. When it is administratively determined within an agency that an employee is not entitled to the salary retention benefits of this subpart, the agency shall advise the employee in writing of his right to appeal such administrative determination to the Commission as prescribed in this section.

(c) *Time limit.* (1) An appeal under this section may be submitted at any time after the employee's receipt of the administrative determination to deny the salary retention benefits of this subpart, but not later than thirty (30) days after the effective date of the reduction in grade and compensation: *Provided,* That when there is a right to appeal the position classification to the agency under established administrative procedures, the time limit on an appeal under this section shall be not later than thirty (30) days after the final decision by the agency on the administrative position-classification appeal.

(2) The time limit may be extended in the discretion of the Commission upon a showing by the employee that he was not notified of his right of appeal or of the time limitation on such an appeal and was otherwise unaware of that right or that time limitation, or that circumstances beyond his control prevented him from filing the appeal within the prescribed period.

(d) *Where to appeal.* An appeal from an employee whose position is located in the metropolitan area of Washington, D. C., or outside of the continental limits of the United States (except Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands) shall be submitted to the Director, Bureau of Inspections and Classification Audits, U. S. Civil Service Commission, Washington 25, D. C. An appeal from any other employee whose position is located elsewhere shall be submitted to the Director of the appropriate Civil Service region.

(e) *Form and contents of appeal.* The appeal shall be in writing and shall set forth the reasons why the agency's administrative determination is considered erroneous and the reasons why the salary retention benefits are considered applicable. In addition, the appeal shall identify the appellant, the employing agency, and the reclassification action to which the appeal relates.

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PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 141]

PROCEDURE FOR DETERMINATION OF ASSESSMENTS FOR ADDITIONAL CONSTRUCTION COSTS AND FOR COLLECTION THEREOF

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), and authority contained in the Act of Congress approved August 1, 1914, and March 7, 1928 (38 Stat. 583, and 45 Stat. 210, as amended August 7, 1956 (60 Stat. 867); 25 U. S. C. 385, 387), notice is hereby given of intention to add a new § 141.4a under Part 141 of Title 25, Code of Federal Regulations, to read as follows:

§ 141.4a *Assessment and collection of additional construction costs.* (a) Upon the competition of the construction of an Indian irrigation project, or unit thereof, subsequent to the determination of the partial per acre construction assessment rate heretofore fixed pursuant to § 141.4, the Secretary of the Interior or his authorized representative shall determine such additional construction cost and distribute that cost on a per acre basis against all of the irrigable lands of the project, or unit thereof, and 1/40th of such per acre additional construction cost thus determined shall be assessed and collected annually from the non-Indian landowner of the project, or unit, thereof. The first installment shall be due and payable on November 15 of the year following the completion of such additional construction work or, if such additional construction work on the project, or unit thereof, has heretofore been completed, and the per acre annual rate determined, the first installment of the additional construction cost to be repaid by such non-Indian landowners shall be due and payable on November 15 of the year following the date of the publication of this order in the FEDERAL REGISTER. This annual per acre rate shall be in addition to, and run concurrently with, the existing per acre construction rate assessed annually under § 141.4.

(b) Project lands in Indian ownership are not subject to assessment for their proportionate share of the per acre construction cost of the project, or unit thereof, until after the Indian title to the land has been extinguished. At that time the total annual per acre assessment rate against non-Indian lands of the project, or unit thereof, shall be assessed against the former Indian lands for each and every acre of irrigable land to which water can be delivered through the project works, beginning on November 15 of the year following the extinguishment of the Indian title to the land and on November 15 of each year thereafter over a forty year period. In cases where the Indian title to project land has heretofore been extinguished, the assessment rate shall be due and payable on November 15 of the year following the publication of this order in the FEDERAL REGISTER.

All interested persons are hereby given opportunity to submit views, data and arguments in writing to the Commissioner, Bureau of Indian Affairs, Washington 25, D. C., within fifteen (15) days from the date of the publication of this notice in the FEDERAL REGISTER.

FRED G. AANDAHL,
Acting Secretary of the Interior.

FEBRUARY 19, 1957.

[F. R. Doc. 57-1422; Filed, Feb. 25, 1957; 8:45 a. m.]

Bureau of Reclamation

[43 CFR Part 404]

WATER APPLICATION, COLUMBIA BASIN PROJECT, WASHINGTON

NOTICE OF PROPOSED RULE MAKING

The Department of the Interior proposes to issue regulations relating to determination of eligibility of farm units to receive water on the Columbia Basin Project, Washington, being constructed and operated by the Bureau of Reclamation.

Under the proposed regulations the owner, or contract purchaser if there is one, of a farm unit on the Columbia Basin Project must personally certify before two witnesses on the application form that he is the owner or contract purchaser of only one farm unit on the project for which water is available. This limitation is pursuant to section 2 (b) (iii) of the Columbia Basin Project Act (16 U. S. C. 835). The execution of this application would be a condition precedent to a determination, by the Project Manager for the Bureau of Reclamation, of the eligibility of the farm unit to receive water during the 1957 irrigation season.

All persons who are interested are invited to submit written comments, suggestions, or objections with respect to the proposed regulations to the Solicitor, Department of the Interior, Washington 25, D. C., or the Project Manager, Bureau of Reclamation, Ephrata, Washington, within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FRED G. AANDAHL,
Acting Secretary of the Interior.

FEBRUARY 18, 1957.

PART 404—WATER APPLICATION, COLUMBIA BASIN PROJECT, WASHINGTON

§ 404.1 *Determination of eligibility.* The owner, or contract purchaser if there is one, of a farm unit on the Columbia Basin Project shall furnish the Project Manager of the Bureau of Reclamation as early as practicable an application for water executed by him before two witnesses. The form will be supplied by the Project Manager. The application shall state, unless the applicant is the owner of more than one farm unit eligible for water under the exceptions in subsections 2 (b) (iii) and 2 (b) (iv) of the Columbia Basin Project Act and he has so indicated in writing on the back thereof, that the farm unit is the only farm unit on the project that the applicant owns or is purchasing either in his own name or in the name of another for which water is available. Such statement shall be a condition precedent to a determination by the Project Manager of the eligibility of the farm unit to receive water during the 1957 irrigation season under the provisions of the Columbia Basin Project Act and the recordable contracts.

[F. R. Doc. 57-1451; Filed, Feb. 25, 1957; 8:45 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS; AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

FINAL ORDER IN RE ESTABLISHMENT OF A DEFINITION AND STANDARD OF IDENTITY FOR PARTIALLY CREAMED CHEESE

In the matter of establishing a definition and standard of identity for a food to be known as partially creamed cottage cheese:

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 68 Stat. 54, 70 Stat. 919; 21 U. S. C. 341, 371) and upon the basis of substantial evidence received at the public hearing held pursuant to the notice published in the FEDERAL REGISTER (21 F. R. 430, 841), no exceptions to the proposed order published in the FEDERAL REGISTER of January 10, 1957 (22 F. R. 223) having been filed, the following order is promulgated:

Findings of fact.[1] 1. Of the soft uncured cheeses for which standards have been set under the Federal Food, Drug, and Cosmetic Act, cottage cheese is lowest in milk fat content. It normally contains from 1/10 percent to 3/10 percent of milk fat, but it may sometimes have 5/10 percent or slightly more of milk fat, depending upon how closely the skim milk was separated. The standard for cottage cheese limits its moisture content to not more than 80 percent. (R. 56, 71-72, 88, 192; Ex. 14, 16; 21 CFR 19.525)

[1] The citations following each finding of fact refer to the pages of the transcript of testimony and the exhibits received in evidence at the hearing.

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