(Catalog of Federal Domestic Assistance Programs No. 10.551, National Archives Reference Services)

Dated: March 17, 1975.

JOHN M. DAMGARD,
Deputy Assistant Secretary.

[FR Doc.75-7404 Filed 3-20-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 3]

STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Use of Impact-Resistant Lenses in Eyeglasses and Sunglasses

The Commissioner of Food and Drugs proposes to close the transition period allowed for the changeover from nonimpact-resistant lenses to impact-resistant lenses. To protect the public from unsafe eyeglass and sunglass lenses, to provide for development of an adequate supply of impact-resistant lenses for use in eyeglasses and sunglasses, and to facilitate an orderly changeover to these lenses, the Commissioner specified in a regulation (21 CFR 3.84) published in the FEDERAL REGISTER of February 2, 1972 (37 FR 2503) that the transition to impact-resistant lenses must be completed as promptly as possible and that all lenses manufactured after January 31, 1972 must be impact-resistant, except when a physician or optometrist found that impact-resistant lenses would not fulfill the visual requirements of a particular patient.

In June 1972 the Food and Drug Administration prepared a publication, "Question and Answer Pamphlet No. 1 on Impact-Resistant Lenses" ((FDA) 72-4002, June 1972), to help interested persons understand the regulation on impact-resistant lenses and to deal with frequently asked questions concerning the regulation and transition period. The pamphlet is on display in the office of the Hearing Clerk, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

It was pointed out in the pamphlet that finished nonimpact-resistant lenses manufactured before January 31, 1972 could be sold after that date, although an effort should be made to render those lenses impact-resistant before sale, and that finished nonimpact-resistant lenses manufactured prior to that date would be permitted to be imported to facilitate the orderly changeover to impact-resistant lenses.

The Commissioner urged during the proposal stage of the regulation, as published in the FEDERAL REGISTER of November 6, 1970 (35 FR 17116), that the transition period start and be completed as promptly as possible. He now finds that a sufficient period of time has elapsed since January 31, 1972 to allow for a smooth uninterrupted transition to the manufacture of impact-resistant lenses and concludes there is no longer any reason to permit use of nonimpact-resistant lenses, except in special cases.

The Commissioner proposes to revise the regulations to close the transition period. The change will delete the provision allowing use of nonimpact-resistant lenses manufactured before January 31, 1972 and will provide that lenses manufactured for use in eyeglasses and sunglasses be impact-resistant, except when a physician or optometrist finds that these lenses will not fulfill visual requirements. An importer for resale is regarded as a manufacturer.

Because of the time allowed for the transition period, the Commissioner proposes that the revised regulation be effective 30 days after date of publication of the final order in the FEDERAL REGISTER. He anticipates that this action will not have a significant effect on the environment and, therefore, an environmental impact statement, pursuant to section 102(2)(c) of the National Environmental Policy Act, will not be required.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502(j), 701(a), 52 Stat. 1051, 1055; (21 U.S.C. 352(j), 371(a))) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 3 be amended in § 3.84 by revising paragraph (h) to read as follows:

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

1. Section 3.84(h) is revised as set forth below:

§ 3.84 **Use of impact-resistant lenses in eyeglasses and sunglasses.**

* * * * *

(h) All lenses must be impact-resistant, except when the physician or optometrist finds that impact-resistant lenses will not fulfill the visual requirements for a particular patient.

* * * * *

Interested persons are invited to submit their comments regarding this proposal in writing (preferably in quintuplicate, except single copies of comments may be submitted by individuals), on or before May 20, 1975. Comments should be addressed to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: March 17, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-7387 Filed 3-20-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 14455]

McDONNELL DOUGLAS MODEL DC-10 SERIES, LOCKHEED MODEL L-1011 SERIES, AND BOEING MODEL B-747 SERIES AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to McDonnell Douglas Model DC-10, Lockheed Model L-1011, and Boeing Model B-747 airplanes. There has been service experience that indicates that the rapid in-flight depressurization of any of these airplanes caused by a sudden large opening in a lower cargo compartment can result in the airplane becoming incapable of continued safe flight and landing. Since this condition is likely to exist or develop in other airplanes of the same type designs, the proposed airworthiness directive would require modifications that would significantly improve the capability of these airplanes to continue safe flight and landing following a sudden in-flight depressurization. It would be required that the modifications be approved by the Chief, Aircraft Engineering Division, FAA Western Region, for the Lockheed Model L-1011 and McDonnell Douglas Model DC-10 airplanes and by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, for the Boeing Model B-747 airplane.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Information on the economic impact that might result because of the adoption of the proposed rule is requested. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. All communications received on or before May 22, 1975, will be considered by the Administrator before taking action upon the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments will be available both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

MCDONNELL DOUGLAS, LOCKHEED, AND BOEING. Applies to all McDonnell Douglas Model DC-10 Series, Lockheed Model L-1011 Series, and Boeing Model B-747 Series airplanes certificated in all categories.

Compliance is required on or before July 1, 1977, unless already accomplished.

To improve the capability of the passenger and crew compartment floors to withstand, without collapse, an in-flight depressurization caused by the sudden opening of a large hole in a lower deck cargo compartment, comply with paragraphs (a) and (b):

(a) Incorporate the modification specified in paragraph (a)(1), taking into consideration the factors specified in paragraphs (a)(2) and (a)(3):

(1) Provide additional venting capability or an increase in floor strength, or both, as necessary, to prevent floor collapse caused

by the decompression effects resulting from a sudden large in-flight opening in any portion of any lower deck cargo compartment.

(2) The size of openings to be considered must include the maximum size opening expected in service, but the maximum size opening considered may not have an area of less than 20 square feet.

(3) Each compartment and ambient condition pressure differential expected in service must be considered.

(b) The modifications and determinations required under paragraph (a) of this AD must be approved by the Chief, Aircraft Engineering Division, FAA Western Region, for McDonnell Douglas Model DC-10 Series and Lockheed Model L-1011 Series airplanes; and by the Chief, Engineering and Manufacturing Branch, FAA Northwestern Region, for Boeing Model B-747 Series airplanes.

Issued in Washington, D.C. on March 20, 1975.

R. P. SKULLY,
Director,
Flight Standards Service.

[FR Doc.75-7675 Filed 3-20-75;12:00 am]

[14 CFR Part 71]

[Airspace Docket No. 74-NW-26]

BOISE, IDAHO

Alteration of Control Zone

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Boise, Idaho Control Zone.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, King County International Airport, Seattle, Washington 98108. All communications received on or before April 21, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, King County International Airport, Seattle, Washington 98108.

A review of the airspace requirements at Boise, Idaho disclosed that additional Control Zone airspace is required to provide controlled airspace for flights executing the Boise VORTAC Rwy 28L Approach.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.171 (40 FR 354) the description of the Boise, Idaho Control Zone is amended to read as follows:

BOISE, IDAHO

With a 5-mile radius of the Boise Air Terminal (Latitude 43°33'55" N., Longitude 116°13'30" W.); within 2 miles each side of the Boise VORTAC 304° radial, extending from the 5-mile radius zone to 12 miles northwest of the VORTAC; within 2 miles each side of the Boise VORTAC 319° radial, extending from the 5-mile radius zone to 12 miles northwest of the VORTAC, within 5 miles each side of the Boise VORTAC 114° radial, extending from the 5-mile radius area to 12 miles southeast of the VORTAC; and within 2 miles west and 5 miles east of the Boise VORTAC 179° radial extending from the 5-mile radius area to 7 miles south of the VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington on March 13, 1975.

C. B. WALK, JR.,
Director, Northwest Region.

[FR Doc.75-7358 Filed 3-20-75;8:45 am]

[14 CFR PART 71

[Airspace Docket No. 74-NW-20]

HILLSBORO, OREGON

Alteration of Control Zone

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Hillsboro, Oregon, Control Zone.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures, and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington, 98108. All communications received within on or before April 21, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, King County International Airport, Seattle, Washington 98108.

An ILS Rwy 12 Standard Instrument Approach Procedure for the Portland-Hillsboro Airport, Hillsboro, Oregon, has been established to be effective upon commissioning of the Instrument Landing System. The description of the Hillsboro Control Zone needs to be altered to provide additional controlled airspace to contain the new ILS procedure to Runway 12.

In consideration of the foregoing, the FAA proposes to amend Part 71 of the Federal Aviation Regulations as follows:

In § 71.171 (40 FR 354) the description of the Hillsboro, Oregon, Control Zone is amended to read as follows:

HILLSBORO, OREGON

Within a 5-mile radius of Portland-Hillsboro Airport (Latitude 45°32'15" N, Longitude 122°56'46" W); within 2 miles each side of the Newburg VORTAC 007° radial, extending from the 5-mile radius area to 8 miles south of the airport; within 2 miles each side of the 039° bearing from the airport reference point, extending from the 5-mile radius area to 9.5 miles northeast of the airport; and within 3.5 miles each side of the 323° bearing from the airport reference point, extending from the 5-mile radius area to 16 miles northwest. This control zone will be effective during the time established in advance by a Notice to Airmen and continuously published in the Airmen's Information Manual.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 as amended (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington, on March 13, 1975.

C. B. WALK, JR.,
Director, Northwest Region.

[FR Doc.75-7360 Filed 3-20-75;8:45 am]

[14 CFR PART 71

[Airspace Docket No. 75-SO-26]

JACKSON, MISSISSIPPI

Alteration of Transition Area

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Jackson, Miss., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before April 21, 1975, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this

notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Jackson transition area described in § 71.181 (40 FR 441) would be amended as follows:

"* * * north of the runway end * * *" would be deleted and "* * * north of the runway end; within 3 miles each side of the Bruce RBN (Lat. 32°26'28" N., Long. 90° 06'19" W.), extending from the 5.5-mile radius area to 8.5 miles north of the RBN * * *" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR aircraft executing the new NDB RWY 17 Instrument Approach Procedure to Bruce Campbell Field, utilizing the Bruce (private) Nondirectional Radio Beacon.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on March 12, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-7361 Filed 3-20-75;8:45 am]

[14 CFR PART 71

[Airspace Docket No. 75-NW-01]

PORT ANGELES, WASHINGTON

Establish Control Zone

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would include the description of the Port Angeles, Washington, Control Zone.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, King County International Airport, Seattle, Washington 98108. All communications received on or before April 21, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, King County International Airport, Seattle, Washington 98108.

The control zone would accommodate the published instrument approach procedure for the William R. Fairchild International Airport, Port Angeles, Washington.

In consideration of the foregoing, the Federal Aviation Administration proposes the following airspace action:

In § 71.171 (40 FR 354), add the following description:

PORT ANGELES, WASHINGTON

Within a 5-mile radius of William R. Fairchild International Airport (latitude 48°07'-10" N, longitude 123°29'44" W), excluding that airspace within a 1-mile radius of latitude 48°08'28" N, longitude 123°24'45" W.

This control zone is effective during specific dates and times established in advance by a Notice to Airmen. Effective date and time will thereafter be continuously published in the Airman's Information Manual.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington, on March 13, 1975.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.75-7359 Filed 3-20-75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Ch. II]

CHILDREN'S SLEEPWEAR

Sizes 7 Through 14 (FF 5-74); Affirmative Labeling

The purpose of this notice is to amend the Standard for the Flammability of Children's Sleepwear, sizes 7 through 14 (FF 5-74), issued by the Consumer Product Safety Commission on May 1, 1974 (39 FR 15210), under the Flammable Fabrics Act (15 U.S.C. 1191, et seq.).

The Standard applies to all children's sleepwear garments in sizes 7 through 14, and all fabric or related material intended or promoted for use in such sleepwear. The Standard requires all items of children's sleepwear in sizes 7 through 14 manufactured on or after May 1, 1975 to comply with the Standard.

The amendment issued in this notice requires each such item of children's sleepwear manufactured on or after May 1, 1975, through May 1, 1978 to be affirmatively labeled with a prescribed statement that the item complies with the Standard. The label need not be permanently affixed to the item of children's sleepwear, but it must be prominent, conspicuous, legible and readily visible at the point of sale to ultimate consumers. The label statement may be attached to the item itself, on a hang tag attached to the item, or on a package enclosing the item.

Background. In the FEDERAL REGISTER of May 1, 1974 (39 FR 15228) the Commission published a Notice of Possible Need for Amendment of the Standard. The possible need to require affirmative labeling for items subject to the Standard was one of four issues the Commission listed in that Notice.

In the FEDERAL REGISTER of January 20, 1975 (40 FR 3276), the Commission proposed to amend the Standard to require affirmative labeling of items subject to the Standard for a period of three years from the effective date of the Standard. In addition, the Commission withdrew its notice of possible need for amendment as to the remaining three issues mentioned in that notice. The Commission invited public comment on the proposed amendment regarding affirmative labeling.

Comments. A total of eleven comments were received in response to the January 20, 1975 notice of possible need for amendment. Ten comments were generally in support of the Standard and the proposed affirmative labeling amendment to the Standard. One comment, from a consumer, objected to the Standard itself, and other comments objected to certain portions of the Standard.

1. *Content of label.* Five of the comments addressed the content of the proposed affirmative labels. A retailer states that the label to be required for all items of sleepwear in sizes 7 through 14 manufactured on or after May 1, 1975 through May 1, 1978 should read "Flame-retardant. U.S. Standard FF 5-74" rather than "Flame-resistant. U.S. Standard FF 5-74" as proposed. The comment states that the words "flame retardant" would be consistent with descriptive wording used by retailers for over ten years and that to change the wording could cause confusion among consumers. This commenter states that the words "flame retardant" more correctly describe the properties of items of children's sleepwear which comply with the Standard, since the fabric does not readily ignite or propagate flame and self-extinguishes when removed from a flame. The comment states that the term "flame resistant" may imply a more protective property than is the case under the Standard.

Another comment suggests that the labels should clearly indicate to parents that the garments which comply with the Standard are not fireproof, but that they afford a significant degree of protection.

One comment, from a member of the National Advisory Committee for the Flammable Fabrics Act, states that the wording "Flame-resistant. U.S. Standard FF 5-74" is ill-advised because the term "flame-resistant" is subjective and not yet adequately defined and that an opinion survey shows that the term implies substantially more protection than the term "flame retardant." In addition the comment states the term could erroneously impart a sense of "protective clothing" or could invite experimentation by children. The comment also

states that the proposed terminology is in connection with a test method which has not been related to real life fire situations and would seem to require the type of labeling that led the Federal Trade Commission to take action against the cellular plastics industry. Thus the comment suggests alternate wording that uses neither the term "flame resistant" nor the term "flame retardant."

Another comment concurs with the proposed label statement but suggests that research be performed to determine more universally meaningful language than "flame resistant."

Discussion. The Commission believes it is necessary to prescribe language for affirmative labels to briefly describe the properties of items that comply with the standard so that consumers will understand the effect of the standard. Therefore, the Commission believes affirmative labels should contain some language as to the flammability of items complying with the Standard.

Although the Commission has not conducted surveys regarding consumer understanding of the meanings of the terms "flame resistant" and "flame retardant", the Commission believes that the public can be informed of the purposes of flammability standards for children's sleepwear. The use of consistent flammability labeling should further this effort.

The Commission has learned that the Committee on Textiles of the American Society for Testing and Materials (ASTM) has been considering a set of uniform flammability definitions which specify use of the term "flame resistant" to describe material which does not readily ignite and propagate a flame. The term "flame retardant" would describe substances applied to fabric to make it "flame resistant". The Commission has learned that the proposed definitions have received a majority affirmative vote of that Committee, and are expected to be adopted. The Commission believes that it will help to eliminate confusion among consumers by adopting this generally accepted terminology regarding the flammability of textiles.

The Commission has no evidence that the use of the terminology will invite experimentation by children. The Commission believes that the Standard does prescribe a test method that relates to the major flammability hazard of children's sleepwear in sizes 7 through 14, and believes the term "flame resistant" does describe the properties of items complying with the Standard. Therefore the Commission issues this amendment to the Standard to require affirmative labeling that states "Flame-resistant. U.S. Standard FF 5–74".

2. *Permanency of the label.* One comment from a consumer requests that the Commission require labeling "that remains on flammable products". One other comment, from a retailer, expressly agrees with the proposal to allow nonpermanent hang tags or stickers to be used for labeling.

Discussion. The major purposes of requiring affirmative labeling are to allow consumers to distinguish complying from noncomplying items of children's sleepwear at the point of sale, and to assist the Commission in its efforts to enforce compliance with the Standard. The Commission believes consumers will be able to make an informed choice between items which comply with the Standard and items which do not comply with the Standard if the prescribed statements are prominent, conspicuous, legible and readily visible to the ultimate consumer at the point of sale. Thus the Commission does not believe it is necessary to require that the affirmative labels be permanently affixed to the items of children's sleepwear in sizes 7 through 14.

3. *Effective date of amendment.* One comment from a retailer states that the Commission should announce the exact wording to be required on the affirmative labels as soon as possible and estimates that at least 45 days will be required to procure labels and distribute them to manufacturers. Therefore, the comment recommends that 45 days be allowed between the date of publication of the final amendment and the mandatory compliance date for labeling.

Discussion. The Commission agrees that it should specify the exact wording of the label statement and therefore the amendment to the Standard prescribes the required wording to be used on labels.

The Commission explained in the January 20, 1975 notice of proposed amendment to the Standard (40 FR 3276) its intention that any final amendment as to labeling would become effective on May 1, 1975, the effective date of the Standard. In this notice of amendment, below, the Commission finds for good cause that the amendment requiring affirmative labeling of items of children's sleepwear in sizes 7 through 14 should become effective on May 1, 1975.

The Commission believes that publication of this notice provides sufficient time for compliance with the amendment. Additionally, the Commission issued a press release announcing its decision to issue the amendment to become effective May 1, 1975 and describing the requirements of the amendment.

4. *Miscellaneous.* A number of comments addressed issues that are not the subject of this rule-making proceeding. One comment objects to the Standard itself as being unnecessary and causing additional expense. Other comments object to the Commission decision, published in the FEDERAL REGISTER of January 20, 1975 (40 FR 3276) to withdraw the May 1, 1974 notice of possible need for amendment of the Standard (39 FR 15228) as to allowing testing exemptions and defining the terms "manufactured" and "in inventory or with the trade" as part of the Standard. One comment suggests that the two Commission flammability standards for children's sleepwear (DOC FF 13–71 and FF 5–74) should be combined to provide one standard for sleepwear in sizes 0 through 14.

Discussion. Because these comments are outside this proceeding, they will not be addressed. However, in issuing the Standard on May 1, 1974 (39 FR 15210) and withdrawing the notice of possible need for amendment to the Standard on January 20, 1975 (40 FR 3276), the Commission explained its actions. In addition, on January 20, 1975, the Commission published a policy statement clarifying the way it defines the terms "manufactured" and "in inventory or with the trade" for the purpose of the Standard, and invited comment on the policy statement. Elsewhere in the FEDERAL REGISTER today, the Commission has published the final policy statement. The Commission also points out that section .1(c) of the Standard provides that items that meet all the requirements of the Standard for the Flammability of Children's Sleepwear (DOC FF 3–71), sizes 0 through 6X, are in compliance with the standard for sizes 7 through 14.

Findings. On the basis of the comments received, additional investigation by the staff of the Commission, and other relevant information the Commission has determined to issue the following amendment to the Standard. The National Advisory Committee for the Flammable Fabrics Act was consulted as to the amendment to the Standard at a meeting on January 28, 1975.

5. *Items in Compliance with DOC FF 3–71.* Section .1(c) of the Standard provides that items of children's sleepwear in sizes 7 through 14 that meet all the requirements of the Standard for the Flammability of Children's Sleepwear for sizes 0–6X (DOC FF 3–71) are in compliance with FF 5–74, the Standard for sizes 7–14. The preamble to the Standard for sizes 7 through 14 (39 FR 15210, May 1, 1974) states that this provision is included in the Standard because all the test criteria of the Standard for sizes 7 through 14 are set forth in identical language in the Standard for sizes 0 through 6X. No reduction in the the stringency of the Standard for sizes 7 through 14 occurred when the Commission included section .1(c) in the Standard. The preamble to the Standard for sizes 7 through 14 states that section .1(c) was therefore "added to the final Standard to provide that fabrics and garments which meet all the test criteria of the Standard for the Flammability of Children's Sleepwear (DOC FF 3–17) are in compliance with this Standard."

Informal discussion with some members of industry indicates that they interpret section .1(c) of the Standard to mean that items of children's sleepwear in sizes 7 through 14 that comply with DOC FF 3–71 need not meet the affirmative labeling requirement which is issued in this Notice.

This interpretation is inaccurate. The amendment to the Standard requires that all items of children's sleepwear in sizes 7 through 14 manufactured on or after May 1, 1975, through May 1, 1978, must be affirmatively labeled. This requirement is applicable if the item of

children's sleepwear in sizes 7 through 14 complies with the Standard by meeting the test criteria of DOC FF 3–71, in addition to the test criteria of FF 5–74, or if the item complies solely with FF 5–74.

In order to clarify any possible ambiguity as to the extent of the requirement for affirmative labeling in the amendment to the Standard, the Commission has included language in the amendment to indicate that all complying items of sleepwear in sizes 7 through 14 manufactured on or after May 1, 1975, through May 1, 1978, must be affirmatively labeled with the prescribed statement. Although this clarifying language was not included in the January 20, 1975, notice of proposed amendment, it merely clarifies the Commission's intention as to the coverage of the affirmative labeling requirement.

The Consumer Product Safety Commission finds that the affirmative labeling amendment to the Standard for the Flammability of Children's Sleepwear; Sizes 7 through 14 (FF 5–74) is:

1. Needed for children's sleepwear in sizes 7 through 14 to protect the public against unreasonable risk of the occurrence of fire leading to death, personal injury, or significant property damage; and

2. Reasonable, technologically practicable, and appropriate, and stated in objective terms; and

3. Limited to items of children's sleepwear in sizes 7 through 14 which currently present unreasonable risks of the occurrence of fire leading to death, personal injury, or significant property damage.

The affirmative labeling amendment to the Standard will become effective May 1, 1975, the effective date of the Standard. Section 4(b) of the Flammable Fabrics Act (15 U.S.C. 1193) provides that any amendment to a flammability standard shall become effective twelve months from the date on which it is promulgated unless the Commission finds for good cause and publishes the finding that an earlier or later effective date is in the public interest. The Commission hereby finds that it is in the public interest to require that the amendment to require affirmative labeling of items of children's sleepwear in sizes 7 through 14 manufactured on or after May 1, 1975 through May 1, 1978 become effective on May 1, 1975. To allow a later effective date for this amendment would not enable consumers to distinguish complying from noncomplying items of children's sleepwear in sizes 7 through 14 at the point of sale. Noncomplying items of such sleepwear may be sold but not manufactured, on or after May 1, 1975. Particularly during the time period immediately after the Standard becomes effective it is likely that both complying and noncomplying items of sleepwear will be available to consumers. Thus, it is necessary that affirmative labeling be required immediately upon the effectiveness of the standard.

Therefore, pursuant to provisions of the Flammable Fabrics Act (sec. 4, 67 stat. 112, as amended 81 Stat. 569–70; 15 U.S.C. 1193) and under authority vested in the Consumer Product Safety Commission by the Consumer Product Safety Act (Pub. L. 92–573, sec. 30(b), 86 Stat. 1231; (15 U.S.C. 2079(b))), the Standard for the Flammability of Children's sleepwear; sizes 7 through 14 (FF5–74) (39 FR 15210, May 1, 1974) is amended as follows:

The provision of section .6 of the Standard appearing after the title *Labeling reqirements* is designated as paragraph (a).

A new paragraph is added to section .6, paragraph (b), to read as follows:

(b) All items of children's sleepwear Standard (including those items that comply with DOC FF 3–71) and manufactured on or after May 1, 1975 through May 1, 1978, shall bear a label which states: "Flame-resistant. U.S. Standard FF 5–74." The label must be prominent, conspicuous, legible and readily visible at the point of sale to ultimate consumers. The label statement may be attached to the item itself, on a hang tag attached to the item, or on a package enclosing the item. The label need not be affixed permanently.

Effective date. This amendment becomes effective on May 1, 1975.

(Sec. 4, 67 Stat. 112, as amended 81 Stat. 569–70; (15 U.S.C. 1193))

Dated: March 18, 1975.

SADYE E. DUNN,
Secretary,
Consumer Product Safety Commission.

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 347-1]

IMPLEMENTATION PLANS

Iowa: Approval of Compliance Schedules

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of State plans for implementation of the national ambient air quality standards. The State of Iowa submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plans pursuant to 40 CFR 51.6. 40 CFR 51.8 requires the Administrator to approve or disapprove compliance schedules submitted by the states. Therefore, the Administrator proposes the approval of the compliance schedules listed below.

The approvable schedules were adopted by the State and submitted to the Environmental Protection Agency after notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirementss of 40 CFR 51.15 pertaining to compliance schedules. The compliance schedules have been reviewed and determined to be consistent with the approved control strategies of Iowa. Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the federally-approved State Implementation Plan. This date is indicated in the table below, under the heading "Final Compliance Date." In all cases, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do.

Under Iowa law, the compliance schedule is not enforceable after the date on which the associated variance expires and variances cannot extend for more than one year. Therefore, to the extent that the schedules extend past the variance expiration date, they are not legally enforceable at this time. For this reason, EPA's approval of each compliance schedule will be unconditional only as to that part of the schedule covered by the initial variance. Approval of the remainder of the schedule will be conditioned upon the State's renewal of the variance in identical form and substance to that included in the schedule submitted to the Environmental Protection Agency and approved herein. If the variance is renewed in this manner, the condition precedent will be satisfied and the approval of the next segment of the schedule would not require further action by the State or this Agency. If the variance is not renewed, or is modified from the version that had been federally approved, the condition will not be fulfilled, the approval of the remainder of the schedule would not be effective, and the State's immediately-effective regulation would again become federally enforceable.

Provisional approval of final compliance dates and extensions of variances is justifiable only because of the one-year variance limitation in the law of Iowa. Since there will be no substantive changes in the schedules set forth below and public hearings were held on the complete schedule, there is no reason to require compliance with 40 CFR 51.6 procedures at the time Iowa renews each variance. The schedules were immediately effective on the date of adoption. An "Effective Date" is not indicated on the table. The "Variance Expiration Date" is included instead.

In the indication of proposed approval of individual compliance schedules, the individual schedules are included by reference only. In addition, since the large number of compliance schedules preclude setting forth detailed reasons for approval of individual schedules in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. Copies of these evaluation reports are available for public inspection at the Environmental Protection Agency Regional Office, 1735 Baltimore, Kansas City, Missouri. The compliance schedules and the State Implementation Plans are available for public inspection