FR 13697), AD 75-14-05, requiring inspection of the beam cap and web on Lockheed Model 382 series airplanes, the FAA determined that nondestructive inspection procedures are necessary and that OWS 54 should be included. This telegram supersedes the telegram dated June 13, 1975.

LOCKHEED. Applies to all model 382 series airplanes, serial numbers 3946 and 4101 through 4541. On airplane serial numbers 3946 and 4101 through 4298 with 6300 hours or more total time in service, and on airplane serial numbers 4298 through 4541 with 12,600 hours or more total time in service, within the next 50 hours in service, unless already accomplished, eddy current inspect the outer wing lower aft beam caps at OWS 54 and 108 in accordance with Hercules Airfreighter Inspection procedures SMP 515-A Card No. SP-88, revised August 11, 1975. Reinspect at the following intervals: (A) airplane serial numbers 3946 and 4101 through 4298, at intervals not to exceed 3400 hours time in service from the last inspection until 20,000 hours (without ECP 954) or 24,000 hours (with ECP 954) at which time the interval is not to exceed 1700 hours from the last inspection, and (B) airplane serial numbers 4299 through 4541 at intervals not to exceed 6300 hours time in service from the last inspection. If a crack or cracks are found, before further flight, contact the Chief, Engineering and Manufacturing Branch, FAA, Southern Region, Atlanta, Georgia, telephone number 404-526-7428.

This supersedes Amendment 39-2249, FR Doc. 75-17068, AD 75-14-05.

This amendment is effective September 12, 1975, and was effective June 13, 1975, for all recipients of the telegrams dated June 13, 1975, and August 25, 1975, which contained this amendment.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on August 28, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-23706 Filed 9-5-75;8:45 am]

[Airspace Docket No. 75-SW-36]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Mt. Pleasant, Tex., transition area.

On July 17, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 30127) stating the Federal Aviation Administration proposed to alter the Mt. Pleasant, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Mt. Pleasant, Tex., transition area is amended to read:

MT. PLEASANT, TEX.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Mt. Pleasant Municipal Airport (latitude 33°07'45.4" N., longitude 94°58'31.3" W.) and within 3.5 miles each side of the Quitman, Tex., VORTAC 052° radial extending from the 8.5-mile-radius area to a point 10.5 miles southwest of the airport and within 3.5 miles each side of the Mt. Pleasant, Tex., NDB (latitude 33°10'03" N., longitude 94°58'03" W.) 012° bearing extending from the 8.5-mile-radius area to a point 15 miles northeast of the airport.

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

Issued in Fort Worth, Tex., on August 28, 1975.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.75-23707 Filed 9-5-75;8:45 am]

[Airspace Docket No. 75-SW-37]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Corsicana, Tex., transition area.

On July 17, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 30127) stating the Federal Aviation Administration proposed to alter the Corsicana, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Corsicana, Tex., transition area is modified as follows:

CORSICANA, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Corsicana Municipal Airport (latitude 32°02'00" N., longitude 96°24'00" W.); within 3 miles each side of the Scurry, Tex., VORTAC 186° radial extending from the 5-mile-radius area to 24 miles south of the VORTAC and within 3 miles each side of the 155° bearing from the Corsicana, Tex., RBN (latitude 32°02'00" N., longitude 96°24'00" W.) extending from the 5-mile-radius area to 8 miles southeast of the RBN.

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

Issued in Fort Worth, Tex., on August 27, 1975.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.75-23708 Filed 9-5-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-11624]

PART 240—GENERAL RULES AND REGULATIONS SECURITIES EXCHANGE ACT OF 1934

Adoption of Amendments to Uniform Net Capital Rule

Introduction. Several exchanges have asked the Commission to review the capital requirements applicable to floor brokers and registered traders in options on those exchanges under § 240.15c3-1, the Uniform Net Capital Rule, which will become effective on September 1, 1975.[1] In addition, the Commission was requested to postpone effectiveness of the Uniform Net Capital Rule with respect to registered floor traders.[2] The Commission, in response to those requests, has adopted modifications of the Uniform Net Capital Rule to provide an alternative financial responsibility standard for floor brokers and has concurred in the view that registered traders in options are specialists for the purpose of the Uniform Net Capital Rule. The Commission declined to postpone effectiveness of the rule with respect to other floor traders.

A. *Floor brokers.* Floor brokers deal only with other members on the floor of the exchange as agent for other broker-dealers, carry no customer accounts and do not engage in trading activity. Consequently, it would appear appropriate to establish a financial responsibility rule for floor brokers designed to provide protection against errors in handling trades for the floor brokers' principals.

In recognition of the limited risk involved, the Uniform Net Capital Rule already includes floor brokers in paragraph (a)(2), which requires minimum net capital of not less than $5,000. The American, Chicago Board Options and the New York Stock Exchanges have

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[1] Securities Exchange Act Release No. 11497 (June 26, 1975); 40 FR 29795 (July 16, 1975). The Uniform Net Capital Rule was adopted following three years of development by the Commission with extensive public comment on successive drafts. See Securities Exchange Act Release Nos. 9891 (Dec. 5, 1972); 38 FR 56 (January 3, 1973), 10525 (Nov. 29, 1973); 38 FR 34331 (December 13, 1973), 11094 (Nov. 11, 1974); 39 FR 41540 (November 29, 1974). The Rule becomes effective as to exchange members (other than specialists covered by section (b)(1)) on September 1, 1975, subject to the transitional provisions of section (g) thereof.

[2] Heretofore, members of designated exchanges have been exempted from the Commission's net capital rules subject to compliance with such exchanges' financial responsibility rules. In addition, such members were, until June 4, 1975, required to comply, and those exchanges were required to enforce compliance, with the provisions of former Section 8(b) of the Act. Since first proposed in 1972, the Uniform Net Capital Rule was contemplated the elimination of the exemption in effect until September 1, 1975, for members of national securities exchanges with capital rules intended to be more comprehensive than the predecessor of the Uniform Net Capital Rule.

suggested that a net capital, or net liquid asset test, need not be the sole financial responsibility test for floor brokers and have indicated that many of their members who act as floor brokers would not be able to meet the applicable net capital test of paragraph (a)(2).

As an alternative to a net capital test, it has been suggested that floor brokers, as a class,[3] have the alternative of meeting a financial responsibility standard predicated on certain exchange rules pertaining to priorities of claims with respect to the distribution of proceeds from the sale of exchange memberships. Such rules require that the claims of other members (who are the only persons who could have claims that would arise as a result of transactions effected by floor brokers) be satisfied on a priority basis from the proceeds realized from the sale of the floor broker's exchange membership.[4] The substitute standard would require that the exchange membership be worth at least $25,000.

The alternative would be a departure from the customary net capital standard of financial responsibility since, ordinarily, the carrying value of exchange memberships (as assets of a member firm) is deducted from net worth in determining net capital. The deduction is made for two reasons. First, due to the priority provisions referred to above, public customers of a member would receive little protection from the fact that the member had an exchange membership. Second, the general principle of the net capital rule is to eliminate assets, such as exchange memberships, which are not readily convertible into cash. Neither consideration applies fully to floor brokers. Floor brokers generally do not have public customers. In addition, the proposed standard of $25,000, which is 5 times the $5,000 net capital requirement otherwise applicable, would, through application of the priority rules, protect those who have claims and at this time appears to compensate appropriately for the illiquidity of the membership asset.

B. *Registered traders in options*. With respect to registered traders in options, it has been suggested that, since such traders have obligations equivalent to specialists, market makers and supplemental market makers they too should be treated as specialists. The Commission has determined to view such registered traders as specialists and accordingly, paragraph (c)(2)(xi) respecting registered traders in options has been deleted.

Commission action. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, as amended, and particularly sections 10(b), 15c(3), 17(a) and 23 (a) thereof, effective September 1, 1975, hereby adopts amendments to Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by amending paragraph (b)(2) of § 240.15c3-1. The Commission has determined that notice and public procedure are impracticable if an alternative financial responsibility standard for exchange floor brokers is to be provided on September 1, 1975, when § 240.15c3-1, as amended, is scheduled to become effective. The Commission has further determined that the amendments relieve restrictions; therefore, the Commission finds for good cause that the 30 day notice period for adoption required by 5 U.S.C. 5553(d) is neither necessary nor desirable and declares the amendments to paragraph (b)(2) of § 240.-15c3-1 effective on September 1, 1975. Paragraph (b)(2) is redesignated (b)(3) and new paragraph (b)(2) is added as follows:

§ 240.15c3-1 Net capital requirements for brokers and dealers.

* * * * *

(b) * * *

(2) A member in good standing of a national securities exchange who acts as a floor broker (and whose activities do not require compliance with other provisions of this rule), may elect to comply, in lieu of the other provisions of this section, with the following financial responsibility standard: The value of the exchange membership of the member (based on the lesser of the most recent sale price or current bid price for an exchange membership) is not less than $25,000: *Provided*, That the rules of such exchange require that the proceeds from the sale of the exchange membership of the member shall be subject to the prior claims of the exchange and its clearing corporation and those arising directly from the closing out of contracts entered into on the floor of such exchanges.

* * * * *

Paragraph (c)(2)(xi) of §240.15c3-1 is deleted and Paragraph (c)(2)(xii) and (c)(2)(xiii) are hereby redesignated Paragraph (c)(2)(xi) and (c)(2)(xii), respectively.

Statutory basis. The foregoing amendments to Rule 15c3-1, effective September 1, 1975, are adopted pursuant to sections 10(b), 15(c), 17(a) and 23(a) of the Securities Exchange Act of 1934, 15 U.S.C. 78j(b), 78o(c)(3), 78q(a) and 78w(a).

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary*.

AUGUST 29, 1975.

[FR Doc.75-23722 Filed 9-5-75;8:45 am]

[3] The Securities Acts Amendments of 1975, Pub. L. 94-29 (June 4, 1975), amended section 15(c)(3) of the Securities Exchange Act of 1934 to require the Commission to establish minimum financial responsibility requirements for all brokers and dealers. The 1975 Amendments also amended section 23 (a)(1) of the Act to authorize the Commission specifically to classify persons for purposes of implementing the provisions of the Act and to prescribe greater, lesser or different requirements for different classes.

[4] See Board of Trade of the City of Chicago v. Johnson, 264 U.S. 1 (1924).

[Release No. 34-11626]

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Registration as a Broker-Dealer

On August 11, 1975, the Securities and Exchange Commission announced in Securities Exchange Act Release No. 11585[1] that revised Form BD, a uniform registration form for broker-dealers, also would be used for the registration of municipal securities brokers and non-bank municipal securities dealers. Accordingly, the Commission has adopted certain minor amendments to Question 10[2] of Form BD in order to accommodate this expanded usage of the form.

Primarily, these amendments add the words "municipal securities dealer" or "Municipal Securities Rulemaking Board," and add certain references to section 15B of the Securities Exchange Act of 1934 ("Municipal Securities") to Question 10(a) of Form BD.

Statutory basis. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 15(b), 15B, and 23(a) thereof, and deeming it necessary for the exercise of the functions vested in it, and necessary and appropriate in the public interest and for the protection of investors, hereby amends Part 249 of Chapter II of Title 17 of the Code of Federal Regulations by amending, effective October 1, 1975, Form BD. Inasmuch as the amendments to Form BD are designed primarily to accommodate the form to its expanded use as a registration form for municipal securities brokers and non-bank municipal securities dealers, as announced in Securities Exchange Act Release No. 11585, the Commission has concluded that notice and procedure pursuant to the Administrative Procedure Act (5 U.S.C. 553) are unnecessary with respect to such amendments.

Text of amended paragraphs (a)(i), (a)(iv), (a)(v), (a)(xi) and (a)(xii) of Question 10 of Form BD. The text of amended paragraphs (a)(i), (a)(iv), (a)(v), (a)(xi) and (a)(xii) of Question 10 of Form BD (§ 249.501, as revised April 16, 1975, and as amended) is as follows:

10.(a) * * *

(i) Has been found by the Securities and Exchange Commission or any jurisdiction willfully to have made or caused to be made any statement which was, at the time and in the light of the circumstances under which it was made, false and misleading with respect to any material fact, or to have omitted to state any material fact, which was required to be stated, in any application for registration or report required to be filed under the Federal securities laws or under the securities laws of any jurisdiction, or in any

[1] 40 FR 37228.

[2] Question 10 requires the broker-dealer to report whether it or any associated person has been the subject of a statutory disqualification or has been involved in specified difficulties in the securities industry.

proceeding before the Securities and Exchange Commission or any jurisdiction relating to securities, or the conduct of business or registration as a broker, dealer, municipal securities dealer, or investment adviser or associated person thereof.

* * * * *

(iv) Has been found by the Securities and Exchange Commission or any jurisdiction or any court to have violated or to have aided, abetted, counselled, commanded, induced, or procured the violation by any other person of the Federal laws, or the laws of any jurisdiction, relating to securities or relating to the conduct of business as a broker, dealer, municipal securities dealer, investment adviser, or investment company, any rule or regulation under any of such laws, or any rule of the Municipal Securities Rulemaking Board, or to have failed reasonably to supervise another person who committed such a violation, or to have been unable to comply with any of the foregoing.

(v) Has been the subject of any order of the Securities and Exchange Commission entered pursuant to paragraph (6) of Section 15(b) or paragraph (4) of section 15B(c) of the Securities Exchange Act of 1934 or an order of a court or jurisdiction (or any agency thereof), or an order of an appropriate regulatory agency entered pursuant to paragraph (5) of section 15B(c) of the Securities Exchange Act of 1934, barring or suspending the right of such person to be associated with a broker, dealer, or municipal securities dealer.

* * * * *

(xi) Has been, within the past 10 years, the subject of any cease and desist, desist and refrain, prohibition, or similar order which was issued by the United States or any jurisdiction arising out of the conduct of the business of a broker, dealer, municipal securities dealer, or investment adviser.

(xii) Has been associated at any time as an officer, director, general partner, or owner of 10 percentum or more of the voting securities, or has at any time directly or indirectly through agreement or otherwise exercised or had the power to exercise a controlling influence over the management or policies of a broker, dealer or municipal securities dealer which has been adjudicated bankrupt, or for which a trustee has been appointed pursuant to the Securities Investor Protection Act of 1970.

* * * * *

(15 U.S.C. 78o(b); sec. 13, Pub. L. 94-29; (15 U.S.C. 78w(a))

The Commission has determined that the adoption of the amendments to Form BD will not impose a burden on competition.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

AUGUST 29, 1975.

[FR Doc.75-23723 Filed 9-5-75;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER D—DRUGS FOR HUMAN USE

GRISEOFULVIN (ULTRAMICROSIZE) TABLETS

The Commissioner of Food and Drugs has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), regarding approval of the antibiotic drug griseofulvin (ultramicrosize) tablets.

The Commissioner concludes that data supplied by the manufacturer concerning the subject antibiotic drug are adequate to establish its safety and efficacy when used as directed in the labeling and is amending the regulations to provide for its certification. This amendment shall become effective on September 8, 1975.

Therefore, under provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner (21 CFR 2.120), Subchapter D of Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

PART 431—CERTIFICATION OF ANTIBIOTIC DRUGS

1. In Part 431, § 431.53(b)(1) is amended by alphabetically inserting a new item in the fee schedule, to read as follows:

§ 431.53 Fees.

* * * * *

(b) * * *
(1) * * *

Test:	*Chargeable fee per test*
* * * * *	
Solubility characteristic test for griseofulvin (ultramicrosize) tablets	50
* * * * *	

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

2. In Part 436, a new section is added to read as follows:

§ 436.317 Solubility characteristic test for griseofulvin (ultramicrosize) tablets.

(a) *Apparatus*—(1) *Vessel.* A cylindrical glass tank. The approximate dimensions are 40 centimeters in diameter and at least 23 centimeters in height.

(2) *Heating system.* A 1,500-watt immersion heating element connected to a partial immersion, contact thermometer and an appropriate control relay.

(3) *Circulating system components.* The circulating system consists of three different circulating devices:

(i) Circulating pump of a centrifugal, immersion type. Tubing approximately 1 centimeter outside diameter and 46 centimeters in length is attached to the pump outlet producing a flow rate of approximately 1,600 milliliters per minute when operated as described.

(ii) A "4-element stirrer" consisting of a motor and a shaft approximately 45 centimeters long and 8 millimeters in diameter. The motor rotates the vertical shaft in a clockwise direction at approximately 180 revolutions per minute. There are 4 elements or sets of stirring blades on the shaft. One set, located at the bottom of the shaft, is a 3-bladed element of 2.5 centimeters overall radius with circular blades, 1.8 centimeters in diameter and 1 to 2 millimeters in thickness, pitched at an angle of approximately 45 degrees from the horizontal plane, so that fluid is propelled downward when the shaft is rotated in a clockwise direction. The three remaining sets of stirring blades have 4 blades each, symmetrically positioned about the shaft. Each set of blades is 3.2 centimeters in overall radius. Each blade is rectangular in shape, 2.4 centimeters in length, 1.2 centimeters in height, and 1 to 2 millimeters in thickness. The four sets of blades are located at 5 centimeter intervals on the shaft, the top three being fixed in a staggered configuration.

(iii) A rotating basket device consisting of a motor capable of constant speed of 100±5 revolutions per minute in a clockwise direction, a shaft, and a cylindrical basket. The shaft and the basket are fabricated from Type 316 stainless steel. The shaft is 6 millimeters in diameter and approximately 30 centimeters in length. It must run true on the motor axis so that the basket rotates smoothly and without perceptible wobble. The basket consists of two parts, one of which, the top, is attached to the shaft. It is of solid metal except for a 2-millimeter round vent, and is fitted with three spring clips that allow the removal of the lower part, or the basket proper, to admit the test sample. The detachable part of the basket is fabricated of welded seam stainless steel, 40 mesh woven wire cloth formed into a cylinder 3.66 centimeters high and 2.5 centimeters in diameter, with a narrow rim of sheet metal around the top.

(4) *Circulating system configuration.* All three circulating devices are located in one half of the tank. In clockwise order they are the circulating pump, the rotating basket, and the 4-element stirrer. There is a distance of 12 to 13 centimeters between each of the three devices. The rotating basket shaft and the stirring shaft are located 9 to 10 centimeters from the tank wall. The 4-element stirrer is positioned 1 to 1.5 centimeters from the bottom of the tank. The rotating basket is fixed at 7 to 8 centimeters from the bottom. The circulating pump intake is located approximately 3 centimeters from the top of the fluid in the tank and 5 to 6 centimeters from the wall of the tank. The pump's outlet hose is held by a clamp so that hose makes a clockwise arc around the inside wall of the tank, descending to a point near the bottom of the tank and 5 to 6 centimeters from the wall, which is 180 degrees from the pump inlet.

(b) *Dissolution medium.* Distilled water.

(c) *Procedure.* Place 24 liters of dissolution medium into the vessel and maintain the temperature at 37±0.5° C by means of the heater, circulating pump, and the 4-element stirrer. Withdraw a 25-milliliter portion of the dissolution medium as a sample-blank solution. Place one tablet into the basket, and lower it into its proper position in the tank. Rotate the basket at 100±5 revolutions per minute in a clockwise direction. After 60 minutes, withdraw a second 25-milliliter portion as the sample solution. Filter the sample blank solution and the sample solution through water-washed glass wool, or an equivalent filter, discarding the first 10 to 15 milliliters of each filtrate. Determine the amount of griseofulvin dissolved as directed in paragraph (d)(2) of this section.

(d) *Griseofulvin assay*—(1) *Preparation of standard solution and standard-blank solution*. Accurately weigh approximately 50 milligrams of griseofulvin working standard and place into a 100-milliliter volumetric flask. Dissolve and dilute to volume with methyl alcohol. Transfer 2.0 milliliters of this solution to a 200-milliliter volumetric flask and dilute to volume with distilled water. This is the standard solution. Transfer a 2.0-milliliter portion of methyl alcohol to a 200-milliliter volumetric flask and dilute to volume with distilled water. This is the standard-blank solution. Filter the standard blank solution and the standard solution through water-washed glass wool, or an equivalent filter, discarding the first 10 to 15 milliliters of each filtrate.

(2) *Procedure*. Using a suitable spectrophotometer and distilled water as the blank, determine the absorbance of the four filtered solutions at the absorbance peak at approximately 295 nanometers, using suitable spectrophotometer cells with a 1-centimeter light path. Determine the exact position of the absorbance peak for the particular instrument used.

(3) *Calculation*. Determine the percentage of griseofulvin dissolved as follows:

$$\text{Percent griseofulvin dissolved} = \frac{A_u \times W_s \times V \times 10}{A_s \times P}$$

where:

A_u=Absorbance of the sample solution minus the absorbance of the sample-blank solution;

W_s=Weight of the working standard in milligrams;

V=Volume of the dissolution medium in liters;

A_s=Absorbance of the standard solution minus the absorbance of the standard-blank solution;

P=Labeled potency of the sample in milligrams of griseofulvin per tablet.

(e) *Evaluation*. The tablet passes the solubility characteristic test if it dissolves to the extent of not less than 50 percent at 60 minutes. If the tablet fails to meet this requirement, repeat the test on five additional tablets. The batch passes the solubility characteristic test if not less than 5 of 6 tablets meet the requirement.

PART 449—ANTIFUNGAL ANTIBIOTIC DRUGS

3. In Part 449, a new section is added to read as follows:

§ 449.120d Griseofulvin (ultramicrosize) tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality and purity*. Griseofulvin (ultramicrosize) tablets are composed of ultramicrosize crystals of griseofulvin dispersed in polyethylene glycol 6,000. Each tablet contains 125 milligrams of griseofulvin. The potency is satisfactory if it contains not less than 90 percent and not more than 115 percent of the number of milligrams of griseofulvin that it is represented to contain. The loss on drying is not more than 5.0 percent. It passes the solubility characteristic test. The griseofulvin used conforms to the standards prescribed by § 449.20(a)(1).

(2) *Labeling*. It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples*. In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The griseofulvin used in making the batch for potency, safety, loss on drying, melting point, specific rotation, identity, residue on ignition, heavy metals, specific surface area, and crystallinity.

(*b*) The batch for potency, loss on drying, and solubility characteristic.

(ii) Samples required:

(*a*) The griseofulvin used in making the batch: 10 packages, each containing not less than 1 gram.

(*b*) The batch: A minimum of 36 tablets.

(b) *Tests and methods of assay*—(1) *Potency*. Use either of the following methods; however, the results obtained from the spectrophotometric assay shall be conclusive.

(i) *Spectrophotometric assay*. Proceed as directed in § 449.20(b)(1)(i), except prepare the sample for assay as follows: Weigh accurately a representative number of tablets and determine the average weight per tablet. Reduce the tablets to a fine powder in a mortar and transfer an amount of powder containing 200 milligrams (estimate) of griseofulvin to a 200-milliliter glass-stoppered volumetric flask. Add about 100 milliliters of methyl alcohol to the flask. Warm the contents by heating the flask carefully over a steam bath. Swirl the contents several times during the heating period. Shake the flask on a mechanical shaker for 15 minutes, allow to cool to room temperature, and adjust to volume with methyl alcohol. Mix well. Filter 30 to 40 milliliters through paper, discarding the first 10 to 15 milliliters of filtrate. Transfer exactly 2.0 milliliters of the subsequent filtrate to a 200-milliliter volumetric flask, adjust to volume with methyl alcohol, and mix well. Using a suitable ultraviolet spectrophotometer and matched 1-centimeter quartz cells, set the instrument to 100 percent transmission with methyl alcohol. Determine the absorbance of the sample and working standard (prepared as described in § 449.20(b)(1)(i)(*a*)) at the absorption peak at approximately 292 nanometers. Calculate the milligrams of griseofulvin per tablet as follows:

$$\text{Milligrams of griseofulvin per tablet} = \frac{\text{Absorbance of sample} \times \text{Average weight of tablet in milligrams} \times 20{,}000}{a_s \times \text{weight of powder tested in milligrams}}$$

where:

a_s = Absorptivity (1 gram per liter, 1 centimeter) of the griseofulvin working standard measured at the absorbance peak at approximately 295 nanometers.

(ii) *Microbiological agar diffusion assay*. Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Powder the tablets and weigh an amount of the powder as described in paragraph (a)(1)(i) of this section. Transfer the powder to a flask of 500-milliliter capacity. Add a sufficient quantity of dimethylformamide to give a stock solution of convenient concentration. Shake well, and carefully warm the contents over a steam bath. Stopper the flask, place on an automatic shaking machine, and shake for 15 minutes. Transfer 25 to 30 milliliters to a centrifuge tube, close the tube, and centrifuge sufficiently to obtain a clear supernatant. Dilute an aliquot of the supernatant with dimethylformamide to give a concentration of 100 micrograms of griseofulvin per milliliter (estimated). Further dilute with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 5.0 micrograms of griseofulvin per milliliter (estimated).

(2) *Loss on drying*. Proceed as directed in § 436.200(b) of this chapter.

(3) *Solubility characteristic test*. Proceed as directed in § 436.317 of this chapter.

Since the conditions prerequisite to providing for certification of the subject antibiotic have been complied with and since the matter is noncontroversial in nature, notice and public procedures and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective on September 8, 1975.

(Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357))

Dated: September 2, 1975.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.75-23716 Filed 9-5-75;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER H—RIGHT-OF-WAY AND ENVIRONMENT

PART 710—RIGHT-OF-WAY—GENERAL

Subpart C—Reimbursement Provisions

TECHNICAL GUIDANCE AND TRAINING COSTS

● Purpose. The purpose of this document is to allow Federal participation in a State's costs of providing technical guidance and training, relating to real property acquisition, to units of local government. ●

The Federal Highway Administration hereby amends § 710.304(b) of Part 710 to inform States of the availability of

Federal participation in a State's costs of providing certain technical guidance and training. Federal participation will be available where State employees provide assistance to employees of a political subdivision in carrying out real property acquisition activities on specific projects. Such activities have increased in recent months.

In consideration of the foregoing § 710.304(b) of 23 CFR Part 710 is revised by adding subparagraph (5) as follows:

§ 710.304 Reimbursement policy.

* * * * *

(b) * * *

(5) *Technical guidance and training costs.* Where State employees are directly engaged in project activities or provide technical guidance, consultation, training, or otherwise work directly on specific projects with employees of a political subdivision to accomplish real property acquisition or in escalating such project operations to an acceptable level of performance, Federal funds may participate in the costs of such project activity.

* * * * *

Issued on August 28, 1975.

J. R. Coupal, Jr.,
Acting Deputy Administrator, Federal Highway Administration.

[FR Doc.75-23778 Filed 9-5-75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 75-088]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Back Bay of Biloxi, Miss.

This amendment changes the regulations for the semi-high level bascule span bridge on Interstate 110 across the Back Bay of Biloxi, mile 3.0, Biloxi, Mississippi, to require at least 6 hours notice at all times prior to the draw being opened. This amendment was circulated as a public notice dated May 6, 1975 by the Commander, Eighth Coast Guard District, and was published in the Federal Register as a notice of proposed rulemaking (CGD 75-088) on April 30, 1975 (40 FR 18793). Two replies were received which offered no objection to the proposal.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new paragraph (l)(20-b) immediately after paragraph (l)(20-a) of § 117.245 to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(l) * * *

(20-b) *Back Bay of Biloxi, Mile 3.0.* The draw shall open on signal if at least 6 hours notice is given.

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(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655 (g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on October 10, 1975.

Dated: September 2, 1975.

R. I. Price,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.75-23762 Filed 9-5-75;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER IX—PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

PART 901—BYLAWS OF THE CORPORATION

Under the authority granted to the Board of Directors by the Pennsylvania Avenue Development Corporation Act of 1972, section 6(5), Pub. L. 92-578, as amended, 88 Stat. 1270(5) (40 U.S.C. 875 (5)), the Board promulgated and approved by unanimous vote on January 28, 1975, amendments to the Bylaws of the Corporation. The Bylaws as amended appeared at 40 FR 7719, dated February 21, 1975. The Bylaws as amended are reprinted here for inclusion in the Code of Federal Regulations. 36 CFR Chapter IX is amended by adding a new Part 901, reading as follows:

Authority: Sec. 6(5), Pub. L. 92-578, 88 Stat. 1270(5) (40 U.S.C. 875(5)).

§ 901.1 Title and office.

(a) *Title.* The name of the Corporation is the Pennsylvania Avenue Development Corporation.

(b) *Office.* The office of the Corporation shall be in the city of Washington, District of Columbia.

§ 901.2 Establishment.

(a) *Creation.* The Corporation, a wholly owned instrumentality of the United States subject to the Government Corporation Control Act (31 U.S.C. 841 et seq.), was established by the Pennsylvania Avenue Development Corporation Act of 1972 (Pub. L. 92-578, 86 Stat. 1266 (40 U.S.C. 871 et seq.)), as amended, hereinafter referred to as "the Act".

(b) *Purposes.* The purposes for which this Corporation was established are those stated and promulgated by Congress in the Act.

§ 901.3 Board of directors.

(a) *Powers and responsibilities.* The business, property and affairs of the Corporation shall be managed and controlled by the Board of Directors, and all powers specified in the Act are vested in them. The Board may, at its discretion and as hereinafter provided, delegate authority necessary to carry on the ordinary operations of the Corporation to officers and staff of the Corporation.

(b) *Composition; number; selection; terms of office.* The Board of Directors shall be comprised of fifteen voting members and eight non-voting members. The powers and management of the Corporation shall reside with the fifteen voting members, and the procedures of the Board shall be determined by them.

(1) The fifteen voting members shall include the seven government agency representatives specified in subsection 3 (c) of the Act (or, their designees), and eight individuals meeting the qualifications of that subsection, appointed by the President of the United States from private life, at least four of whom shall be residents and registered voters of the District of Columbia.

(2) The Chairman and Vice Chairman shall be designated by the President of the United States from among those members appointed from private life.

(3) Upon his appointment, the Chairman shall invite the eight representatives designated in subsection 3(g) of the Act to serve as non-voting members of the Board of Directors.

(4) Each member of the Board of Directors appointed from private life shall serve a term of six years from the expiration of his predecessor's term; except that the terms of the Directors first taking office shall begin on October 27, 1972 and shall expire as designated at the time of appointment. A Director may continue to serve until his successor has qualified.

(5) A Director appointed from private life wishing to resign shall submit a letter of resignation to the President of the United States, and his resignation shall become effective upon the date of the President's acceptance thereof.

(6) A Director, appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall serve for the remainder of such term.

(c) *Meetings.* (1) The Board of Directors shall meet and keep its records at the office of the Corporation.

(2) Meetings of the Board of Directors shall be held at the call of the Chairman, but not less often than once every three months. The Chairman shall also call a meeting at the written request of any five voting members.

(3) The Chairman shall direct the Secretary to give the members of the Board notice of each meeting, either personally, or by mail, or by telegram, stating the time, the place and the agenda for the meeting. Notice by telephone shall be personal notice. Any Director may waive, in writing, notice as to himself, whether before or after the time of the meeting, and the presence of a Director at any meeting shall constitute a waiver of notice of that meeting. Notice, in whatever form, shall be given so that a Director will have received it five working days prior to the time of the meeting.

(4) Unless otherwise limited by the notice thereof, any and all Corporation business may be transacted at any meeting.

(5) The Chairman shall preside at meetings of the Board of Directors, or

the Vice Chairman in the absence of the Chairman. In the event of the absence of both the Chairman and the Vice Chairman, the Directors present at the meeting shall designate a Presiding Officer.

(d) *Quorum*. The presence of any eight voting Directors at a meeting of the Board shall constitute a quorum for the transaction of business. The act of a majority of the voting Directors at any meeting at which there is a quorum shall be an act of the Board of Directors. If there shall be less than a quorum at any meeting, a majority of the voting Directors present may adjourn the meeting until such time as a quorum can practically and reasonably be obtained.

(e) *Directors Serving in Stead*. Each member of the Board of Directors specified in paragraphs (1) through (7) of subsection 3(c) of the Act, if unable to serve in person, may designate another official from his agency or department to serve on the Board in his stead. Such designation will be effected by a letter of appointment to the Chairman from the Director specified in the Act. A Director appointed to serve in stead shall serve as the voting Director of the represented agency until the Chairman receives written notice from the appointing official, or his successor, that the appointment is rescinded. The Chairman shall cause notice of appointments of Directors to serve in stead to be published in the FEDERAL REGISTER.

(f) *Vote by proxy*. Voting members of the Board of Directors unable to attend a meeting may vote by proxy on resolutions which have been printed in the agenda in advance for the meeting.

(1) A Director unable to attend a meeting of the Board may submit a vote to be cast by the Presiding Officer by means of a written signed statement of his vote and the resolution to which it pertains together with any statement bearing on the matter the Director wishes to have read. The proxy vote shall be submitted to the Chairman with a separate signed copy to the Secretary, to be received not later than the close of business of the day prior to the date fixed for the meeting.

(2) The Presiding Officer shall cast proxy votes received by the Chairman in the following manner: (i) Upon the close of discussion on a resolution for which there has been submitted one or more valid proxy votes, the Presiding Officer shall announce that he holds proxy vote(s) from named Director(s), and shall read any explanatory statements submitted by the Director(s) voting by proxy; (ii) The Presiding Officer shall take the vote of the Directors present and then declare the proxy votes in hand; (iii) The Secretary shall orally verify the validity of the votes submitted to be cast by proxy, and shall record them with the votes cast by the Directors present on the resolution.

(3) Proxy votes shall not be utilized to effect the presence of a quorum.

(g) *Compensation of Directors*. Members of the Board of Directors shall be compensated in the manner provided in section 3 of the Act.

(h) *Approval of Annual Budget*. Upon completion by the staff of a draft annual budget request, the Chairman shall call a meeting of the Board of Directors for its review and consideration. Upon approval by the Board of the draft budget request, it may be submitted to the Office of Management and Budget.

§ 901.4 Officers.

(a) *General provisions*. The corporate officers of the Corporation shall consist of a President, an Executive Director, two Assistant Directors, a Secretary (who shall be appointed by the Chairman from among the staff of the Corporation), and such other officers as the Board of Directors may from time-to-time appoint. Any corporate officer elected or appointed by the Board of Directors may be removed at any time, with or without cause, by the affirmative vote of a majority of the Board of Directors.

(b) *Powers and duties of the President*. The Chairman of the Board of Directors shall be the President and chief executive officer of the Corporation and shall have the general powers and duties of supervision and management usually vested in the office of president of a corporation. The President shall see that all resolutions and policies of the Board are carried into effect, and shall have power to execute contracts, leases, agreements, and other documents necessary for the operation of the Corporation.

(c) *Appointment of certain officers*. The Board of Directors shall appoint an Executive Director and two Assistant Directors, who may be appointed and compensated without regard to the provisions of Title 5 of the United States Code governing appointments in the competitive service and Chapter 51 and subchapter IV of Chapter 53 of Title 5 of the United States Code. Between meetings of the Board of Directors the Chairman may make appointments to the foregoing positions, when they become vacant by resignation or otherwise. However, the Chairman shall move to have such interim appointments confirmed at the next meeting of the Board. The Chairman shall have power to increase or decrease the salaries of the officers appointed under this section.

(d) *Powers and Duties of the Executive Director*. The Executive Director shall be the chief of the Corporation's staff and shall have general powers of supervision and management over the administration of the Corporation. The Executive Director shall have power to:

(1) Execute contracts, agreements, and other documents necessary for planning and design work and for ordinary operations of the Corporation.

(2) Hire staff (including temporary or intermittent experts and consultants).

(3) Procure space, equipment, supplies, and obtain interagency and commercial support services.

(4) Direct and manage the day-to-day operations and work of the Corporation.

(5) Supervise planning and development activities of the Corporation in accordance with the development plan and resolutions of the Board of Directors.

(6) Perform such other duties and exercise such powers as the President and Board of Directors may prescribe.

(e) *Powers and duties of the Assistant Director/Legal*. The Assistant Director/Legal shall be the General Counsel of the Corporation, advising the Board of Directors and the staff on all legal matters affecting the functioning of the Corporation. He shall:

(1) Coordinate with the Department of Justice in assuring that the interests of the Corporation are represented in any litigation arising from its authorities or actions.

(2) Advise the Board of Directors and the staff of statutory or regulatory requirements, and assure compliance therewith.

(3) Prepare or review all contracts, agreements or other documents of a legal nature.

(4) Prepare or review all draft legislation, regulations, official notices and other legal publications.

(5) Perform such other duties as may be prescribed by the Board of Directors, the President, or the Executive Director.

(f) *Powers and duties of the Assistant Director/Finance*. The Assistant Director/Finance shall advise the Board of Directors and the officers of the Corporation on economic and financial matters, and guide the formulation of economic and financial policy for development activities. He shall:

(1) Contract for and coordinate the work of consultants and prepare or review proposals, studies, plans, and agreements relating to financing and economic development.

(2) Act as the treasurer of the Corporation, and shall have charge of the custody, safekeeping and disbursements of all development funds of the Corporation.

(3) Designate qualified persons to au- funds.

thorize disbursements of development funds.

(4) Be responsible for documents relating to development financing of the Corporation, including borrowing from the United States Treasury, commercial banks and others.

(5) Have authority to collect all nonappropriated monies due the Corporation, to receipt therefor and to deposit same for the account of the Corporation.

(6) Work and maintain liaison with appropriate committees of Congress and executive agencies on matters relating to appropriations, financing and the Corporation's budget.

(7) Perform such other duties as may be prescribed by the Board of Directors, the President, or the Executive Director.

(g) *Powers and Duties of the Secretary*. The Secretary, to be appointed by the Chairman from among the Corporation's staff, shall give notice of all meetings of the Board of Directors and record and keep the minutes thereof, keep in safe custody the seal of the Corporation, and shall affix the same to any instrument requiring it. When so affixed, the seal shall be attested by the signature of the Secretary. The Secretary shall also perform such other duties as may be prescribed by the Board of Directors, the President, or the Executive Director.

§ 901.5 **Annual report.**

The Executive Director shall prepare annually a comprehensive and detailed report of the Corporation's operations, activities, and accomplishments for the review of the Board of Directors. Upon approval by the Board, the Chairman shall transmit the report in January of each year to the President of the United States and to the Congress.

§ 901.6 **Seal.**

The Corporation may adopt a corporate seal which shall have the name of the Corporation and year of incorporation printed upon it. The seal may be used by causing it or a facsimile thereof to be impressed, affixed, or reproduced.

§ 901.7 **Amendments.**

These bylaws may be altered, amended, or repealed by the Board of Directors at any meeting, if notice of the proposed alteration, amendment, or repeal is contained in the notice of the meeting.

Effective date. January 28, 1975.

PETER T. MESZOLY,
General Counsel.

AUGUST 22, 1975.

[FR Doc.75-23721 Filed 9-5-75;8:45 am]

Title 46—Shipping

CHAPTER III—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-233]

PART 401—GREAT LAKES PILOTAGE REGULATIONS

PART 402—GREAT LAKES PILOTAGE RULES AND ORDERS

Operating Rules and Suspension and Revocation of Certificates of Authorization

The purpose of these amendments to the Great Lakes Pilotage Regulations is to improve the efficiency of pilotage service on the Great Lakes under the Great Lakes Pilotage Act of 1960 (GLPA). These amendments establish operating requirements for holders of Certificates of Authorization and additional operating requirements for U.S. registered pilots. These amendments require the holders of Certificates of Authorization to comply with the requirements and qualifications for authorization to form a pool in § 401.320. These amendments also authorize the Director to dispatch pilots when pilotage service is not provided.

The Coast Guard proposed these rules in the FEDERAL REGISTER (39 FR 39047) on November 5, 1974. A public meeting on this proposed rulemaking document was held in Cleveland, Ohio on November 20, 1974. Written comments were also received. In light of the verbal and written comments, the final rule is promulgated as proposed except as follows:

Several comments concurred with the proposal as a constructive approach to provide greater stability to pilotage on the Great Lakes.

Several comments discussed proposed § 401.335. One commenter requested that the reference to a "willful" violation be stricken from § 401.335(c), because of the difficulty in determining its application. The Coast Guard is not adopting this comment. The courts have provided guidance to the meaning of the word willful. Additionally, a willful violation of this part can have serious impact on pilotage service by threatening the stability of Great Lakes pilotage; therefore, the director should have the capacity to act without the notice requirements in § 401.335(b).

In response to a comment, the word "shall" has been added to the last sentence in § 401.335(c) to emphasize that the order to suspend enables the pool to identify its violation. Proposed § 401.335 (c) provided for immediate suspension and revocation; § 401.335(c) is changed to delete "revoke" to allow only immediate suspension under this paragraph. Immediate suspension is a sufficient remedy to maintain an efficient pilotage system when a violation of this part involves public health, interest, or safety, or is willful. Paragraphs (d) and (e) are added to proposed § 401.335. Paragraph (d) provides for an opportunity for the holder to be heard if the holder receives a suspension of the Certificate of Authorization under § 401.335(c). Paragraph (e) sets the procedure for terminating a suspension. The suspension of a Certificate of Authorization is a means to obtain compliance with this part; it is not a penalty. If a holder of a Certificate of Authorization is not complying with this part it faces suspension but upon compliance the suspension is lifted. The holder does not remain under suspension because of a prior non-compliance with this part.

One comment stated that the only penalty authorized under the GLPA is a civil fine and that the Coast Guard does not have the authority to suspend a Certificate of Authorization. Under the GLPA the Coast Guard may authorize pools for the efficient dispatching of pilotage service, regulate the operation of pools, and limit the number of pools. The Coast Guard must regulate Great Lakes Pilotage in a manner that will provide for the efficient dispatching of pilotage service. Under the Act the Coast Guard not only can set the criteria for acquiring a Certificate of Authorization but also the criteria for withdrawing it.

Several comments noted that proposed § 401.710 (c) and (d) make the pool responsible for the individual pilot's actions. These paragraphs are changed in response to the comments to make it clear that the certificate holder must provide facilities and dispatch pilots on a first-come, first-serve basis and dispatch pilots under its working rules. These paragraphs do not make the certificate holder responsible for a pilot's actions after dispatching the pilot.

As a result of several comments and further study by the Coast Guard, § 401.720(b) is changed to authorize the Director to dispatch pilots only when pilotage service is not being provided or when the pool cannot dispatch pilots because its Certificate of Authorization is withdrawn. The purpose of this paragraph is to maintain pilotage service when problems arise that cause its curtailment. It is not a penalty against either the pools or the pilots. One comment questioned the Director's dispatching of pilots when pilotage service is not being provided equitably between U.S. and Canadian registered pilots. The change in this paragraph removes "equitable participation" as a basis for the Director's dispatching of pilots. Equitable participation is a requirement in section 216b (a) and (d) of the GLPA.

One comment stated that the Director's dispatching of pilots is outside the authority of the GLPA and is unworkable. the GLPA authorizes the Coast Guard to register pilots and authorize pools, regulate the operations of pools as necessary, and establish by regulations the rates, charges, and conditions on the pilots. When pilotage service is not being provided, the Coast Guard must be able to dispatch pilots to vessels to resume pilotage service. The Coast Guard may experience some difficulties in providing the arrangements and facilities to dispatch pilotage service; however, the Coast Guard does have the resources to be capable of dispatching pilots to vessels.

Another comment noted that there are collective bargaining agreements between the pilots and the pools and requested provisions in the regulation for the government to assume a pool's obligation under these agreements when the Director dispatches pilots. The Coast Guard will not intervene in the labor-management agreements between the pools and pilots, and this regulation is not being changed as a result of this comment.

A comment concerning the date for The Working Rules and Dispatching Procedures for District No. 1 is adopted and § 402.320(a) (1) is changed to read: February 1, 1965, amended to April 25, 1972.

Several commenters questioned the adequacy of pilotage rates. Since rate matters were not a part of the proposal the Coast Guard is not responding to these comments in this rulemaking action. However, the Coast Guard is continually studying the matters of pilotage rates and participation.

In consideration of the foregoing, Parts 401 and 402 of Title 46 of the Code of Federal Regulations are amended as follows:

1. By adding a new paragraph (a) (11) to § 401.110 to read:

§ 401.110 **Definitions.**

(a) * * *

(11) "Person" includes an individual, registered pilot, partnership, corporation, association, voluntary association, authorized pool, or public or private organization, other than an agency.

2. By revising § 401.330(a) to read:

§ 401.330 Certificates of Authorization.

(a) Subject to § 401.300(b), an association that is qualified to establish a pool in a District or area is issued a Certificate of Authorization that is valid until suspended or revoked under the procedures in § 401.335.

* * * * *

3. By adding a new § 401.335 to read:

§ 401.335 Suspension or revocation of a Certificate of Authorization.

(a) The Director may issue an order to suspend or revoke a Certificate of Authorization if—

(1) The holder of a Certificate of Authorization does not continue to meet the requirements under § 401.320; or

(2) The holder of a Certificate of Authorization does not comply with the requirements of this part.

(b) Before issuing an order to suspend or revoke, the Director notifies the holder of a Certificate of Authorization of the reasons for the proposed suspension or revocation and gives the holder an opportunity to be heard or to comply with the requirements of this part.

(c) If the Director finds that the violation of a requirement of this part involves public health, interest, or safety, or that the violation is willful, the Director may issue an order to suspend the Certificate of Authorization without giving notice under paragraph (b) of this section. The order shall contain the reasons for the Director's action.

(d) A holder who has its Certificate of Authorization suspended under paragraph (c) of this section shall have an opportunity to be heard by notifying the Director in writing.

(e) The Director shall reinstate a Certificate of Authorization that has been suspended under paragraph (b) or (c) of this section when he determines that the holder is complying with this part.

4. By revising § 401.340(a) to read:

§ 401.340 Compliance with working rules of pools.

(a) United States or Canadian registered pilots utilizing the facilities and dispatching services of any authorized pool shall comply with its working rules approved under § 402.320, except to the extent inconsistent with the dispatch orders of the Director under § 401.720(b), and with other rules of the pool that are related to those facilities and services.

* * * * *

5. By adding a new Subpart G to read:

Subpart G—Operating Requirements for U.S. Registered Pilots and Holders of Certificates of Authorization; Authority of the Director Over Operations

Sec.
401.700 Operating requirements for U.S. registered pilots.
401.710 Operating requirements for holders of Certificates of Authorization.
401.720 Authority of the Director over operations.

Subpart G—Operating Requirements for U.S. Registered Pilots and Holders of Certificates of Authorization; Authority of the Director Over Operations

§ 401.700 Operating requirements for U.S. registered pilots.

Each U.S. registered pilot shall—

(a) Provide pilotage service when dispatched by his pool; and

(b) Comply with the dispatching orders of the Director under § 401.720(b).

§ 401.710 Operating requirements for holders of Certificates of Authorization.

Each holder of a Certificate of Authorization shall—

(a) Comply with the terms of any agreement for services by registered pilots on the Great Lakes between an appropriate agency of Canada and the Secretary, his designated agent, or the Director;

(b) Coordinate on a reciprocal basis its pool operations with pool operations of the Canadian Government, under the "Memorandum of Arrangements, Great Lakes Pilotage, Between the Secretary of Transportation of the United States of America and the Minister of Transport of Canada", effective July 7, 1970, as amended;

(c) Provide continuous arrangements and facilities for the efficient dispatching of pilotage service on a first-come, first-serve basis to vessels that give notice of pilotage service requirements to the pilotage dispatch station, except pilots are not required to board a vessel that does not furnish safe boarding facilities;

(d) Dispatch pilotage service under the terms of its approved working rules as referenced in § 402.320;

(e) Comply with its working rules approved under § 402.320, except to the extent inconsistent with the dispatch orders of the Director under § 401.720(b);

(f) Comply with all accounting procedures and the reporting requirements in this chapter; and

(g) Make available to the Commandant all of its financial and operating records.

§ 401.720 Authority of the Director over operations.

(a) This section does not limit the authority of the Director under any other section in this chapter.

(b) When pilotage service is not provided or when the Certificate of Authorization is under suspension or revocation under § 401.335, the Director may order any U.S. registered pilot to provide pilotage service.

§ 402.320 [Amended]

6. By amending § 402.320(a)(1) by striking "approved as of March 25, 1965," and inserting "dated February 1, 1965, amended to April 25, 1972," in place thereof.

7. By amending § 402.320(a)(2) by striking the date "September 15, 1965" and inserting "October 14, 1970" in place thereof.

8. By amending § 402.320 by deleting paragraph (a)(4).

9. By amending § 402.320(a)(5) by striking the date "March 22, 1965" and inserting "April 1, 1971" in place thereof.

(Sec. 4 and sec. 5, 74 Stat. 260 (46 U.S.C. 216b; 216c; sec. 6(a)(4), 80 Stat. 937, as amended (49 U.S.C. 1655(a)(4)); 49 CFR 1.46(a))

Effective date. October 8, 1975.

Dated: August 29, 1975.

O. W. SILER,
Admiral,
U.S. Coast Guard, Commandant.

[FR Doc.75-23761 Filed 9-5-75;8:45 am]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BOARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—HAZARDOUS MATERIALS

[Docket No. HM-57; Amdts. 171-14, 172-14, 172-20, 173-61, 173-74, 174-14, 175-7, 177-21, 178-26]

PART 171—GENERAL INFORMATION AND REGULATIONS

PART 172—LIST OF HAZARDOUS MATERIALS CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL MATERIALS SUBJECT TO PARTS 170–189 OF THIS SUBCHAPTER

PART 173—SHIPPERS

PART 174—CARRIERS BY RAIL FREIGHT

PART 175—CARRIERS BY RAIL EXPRESS

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

PART 178—SHIPPING CONTAINER SPECIFICATIONS

Classification of Corrosive Hazards; Postponement of Mandatory Effective Date

On September 10, 1974, the Hazardous Materials Regulations Board published an Amendment (39 FR 32615) extending the effective date from September 30, 1974 to September 30, 1975 for mandatory compliance with the regulations applicable to materials that are corrosive only to aluminum. The basis for the extension was the proposed alternative approach to dealing with such materials as proposed under Docket HM-112 (Notice 73-9; 39 FR 3022; January 24, 1974) which was not then, nor is it now, a completed rulemaking action.

In consideration of the fact that an unnecessary burden would be imposed if it is decided to include these materials in the Other Regulated Material (ORM) Group B classification as proposed under Docket HM-112, action on the classification and application of regulations to materials corrosive only to aluminum is as follows:

(1) The mandatory effective date of Amendment Nos. 171-14, 172-14, 172-20, 173-61, 173-74, 174-14, 175-7, 177-21,

178-26 as they pertain to materials corrosive only to aluminum is changed from September 30, 1975 to July 1, 1976.

(2) The Materials Transportation Bureau's disposition of the classification of materials corrosive only to aluminum will be in the amendments it makes to the Department's Hazardous Materials Regulations under Docket No. HM-112.

(Transportation of Explosive Act (18 U.S.C. 831-835); sec. 6, Department of Transportation Act, (49 U.S.C. 1655); Title VI and sec. 902(b), Federal Aviation Act of 1958 (49 U.S.C. 1421-1430, 1472(h), and 1655(c))

Issued in Washington, D.C., on September 2, 1975.

HERBERT H. KAISER, Jr.,
Acting Director,
Materials Transportation Bureau.

[FR Doc.75-23700 Filed 9-5-75;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 73, Ex Parte No. MC-1]

PART 1320—EXTENSION OF CREDIT TO SHIPPERS BY RAIL CARRIERS

PART 1322—EXTENSION OF CREDIT TO SHIPPERS BY MOTOR CARRIERS

Payment of Rates and Charges

Revised rules governing the extension of credit by railroads and motor common carriers operating in interstate or foreign commerce.

These rulemaking proceedings concern the amendment of the rules and regulations governing the extension of credit to shippers by motor and rail common carriers published March 24, 1973 (38 FR 7820) and, specifically, the following proposed amendment:

Shippers to whom credit has been extended under the provisions of this part must pay the required transportation charges within the credit period prescribed herein.

In the instant second report of the Commission on further hearing, the Commission rejected the proposed amendment which would have extended its credit regulations to apply directly to shippers. Instead, it revised the present rules in two principal respects. First, it extended the credit period for rail shippers from the present 5 days, generally, to a maximum of 7 days similar to the present credit period now afforded shippers by motor carrier. Secondly, it revised the present rules for both rail and motor carriers to provide that the aforesaid credit period of 7 days excluding Saturdays, Sundays and legal holidays shall automatically be extended to a total of 30 calendar days for any shipper who has not paid the carrier's freight bill within the aforesaid 7-day period, and, also, to provide that such shipper will be assessed a service charge by the carrier equal to 1 percent of the amount of said period, subject to a $10 minimum charge, for such extension of the credit period.

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 5th day of August 1975.

It appearing, that pursuant to parts I and II of the Interstate Commerce Act (sections 3(2) and 223, respectively), and section 553 of the Administrative Procedure Act (5 U.S.C. sec. 553), a rulemaking proceeding was instituted by the Commission on February 14, 1973, for the purpose of studying recent developments which may have caused or significantly contributed to difficulties being encountered by certain carriers subject to our jurisdiction in the proper extension of credit and the timely collection of their lawful charges, and also for the purpose of determining what, if any, effect upon carrier compliance with our current credit regulations may stem from various practices assertedly engaged in by shippers and other parties responsible for payment of the lawful charges of those carriers and what corrective measures may or should be implemented to bring about an improvement therein in the public interest.

It further appearing, that investigation of the matters and things involved in this proceeding has been made and that the Commission has made and filed its report herein containing its findings of facts and conclusions thereon, which report is hereby referred to and made a part hereof;

It is ordered, That Part 1320 of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, modified as follows:

(1) Sections 1320.1, 1320.15 and 1320.16 be amended to read as set forth below.

(2) Sections 1320.2, 1320.3, 1320.4, 1320.8, 1320.9 and 1320.14 be, and they are hereby, canceled;

It is further ordered, That Part 1322 of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, modified as follows:

(1) Section 1322.1 be amended to read as set forth below and present paragraphs (b) and (c) thereof be re-entitled (c) and (d).

It is further ordered, That this order shall become effective 35 days after the date of service, and shall remain in effect until modified or revoked in whole or in part by further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register (49 U.S.C. 301, 302, 304, 308, and 323 5 U.S.C. 553, 559).

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

49 CFR 1320.1 shall be revised to read as follows:

§ 1320.1 Carrier may extend credit to shipper.

(a) Upon taking precautions deemed by them to be sufficient to assure payment of the tariff charges within the credit period herein specified, common carriers by rail may relinquish possession of freight in advance of payment of the tariff charges thereon and may extend credit in the amount of such charges to those who undertake to pay them, such persons herein being called shippers, for a period of 7 days excluding Saturdays, Sundays, and legal holidays. When the freight bill covering a shipment is presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following delivery of the freight. When the freight bill is not presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following the presentation of the freight bill. In regard to traffic of nonprofit shippers' associations and shippers' agents, within the meaning of section 402(c) of part IV of the Interstate Commerce Act, the carriers shall require such organizations to furnish the names of the beneficial owners of the property in the bills of lading or at least have the bills of lading incorporate by reference a document containing the names of the beneficial owners.

(b) Common carriers by rail must also provide in their tariffs that (1) the aforesaid credit period of 7 days excluding Saturdays, Sundays, and legal holidays shall automatically be extended to a total of 30 calendar days for any shipper who has not paid the carrier's freight bill within the aforesaid 7-day period, (2) such shipper will be assessed a service charge by the carrier equal to 1 percent of the amount of said freight bill, subject to a $10 minimum charge, for such extension of the credit period, and (3) no such carrier shall grant credit to any shipper who fails to pay a duly presented freight bill within the 30-day period, unless and until such shipper affirmatively satisfies the carrier that all future freight bills duly presented will be paid strictly in accordance with the rules and regulations prescribed by the Commission for the settlement of carrier rates and charges: *Provided*, That no service charge authorized herein shall be assessed in connection with rates and charges on freight transported for the United States, for any department, bureau, or agency thereof, or for any State or territory, or political subdivision thereof, or for the District of Columbia.

49 CFR 1320.15 and 1320.16 shall be revised to read as follows:

§ 1320.15 Computation of credit period for payment of export traffic rates.

The period fixed for the payment of transportation rates and charges, insofar as applicable to export traffic which is loaded into vessels direct from railroad cars or piers or from such cars or piers by means of lighters, may be computed from the first 4 p.m. following the time when the vessel is completely loaded, freight bills to be delivered to vessel owner or his representative not later than the day on which the loading of the vessel is completed.

§ 1320.16 Computation of credit period for payment of freight rates at interior California points not served by railroads.

The period fixed for the payment of transportation rates and charges, insofar as applicable to freight from and to Bartle, Calif., when destined to or from interior points described in the report, in Siskiyou, Shasta, and Modoc Counties, Calif., not served by railroad, may be computed from the first 4 p.m. following 26 days after the mailing by petitioner of the freight bills for such traffic.

49 CFR 1322.1 shall be revised to read as follows:

§ 1322.1 Carrier may extend credit to shipper.

(a) Upon taking precautions deemed by them to be sufficient to assure payment of the tariff charges within the credit period herein specified, common carriers by motor may relinquish possession of freight in advance of payment of the tariff charges thereon and may extend credit in the amount of such charges to those who undertake to pay them, such persons herein being called shippers, for a period of 7 days excluding Saturdays, Sundays, and legal holidays. When the freight bill covering a shipment is presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following delivery of the freight. When the freight bill is not presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following the presentation of the freight bill. In regard to traffic of nonprofit shippers' associations and shippers' agents, within the meaning of section 402(c) of part IV of the interstate Commerce Act, the carriers shall require such organizations to furnish the names of the beneficial owners of the property in the bills of lading or at least have the bills of lading incorporate by reference a document containing the names of the beneficial owners.

(b) Common carriers by motor must also provide in their tariffs that (1) the aforesaid credit period of 7 days excluding Saturdays, Sundays, and legal holidays shall automatically be extended to a total of 30 calendar days for any shipper who has not paid the carrier's freight bill within the aforesaid 7-day period, (2) such shipper will be assessed a service charge by the carrier equal to 1 percent of the amount of said freight bill, subject to a $10 minimum charge, for such extension of the credit period, and (3) no such carrier shall grant credit to any shipper who fails to pay a duly presented freight bill within the 30-day period, unless and until such shipper affirmatively satisfies the carrier that all future freight bills duly presented will be paid strictly in accordance with the rules and regulations prescribed by the Commission for the settlement of carrier rates and charges. *Provided*, That no service charge authorized herein shall be assessed in connection with rates and charges on freight transported for the United States, for any department, bureau, or agency thereof, or for any State or territory, or political subdivision thereof, or for the District of Columbia.

[FR Doc.75-23808 Filed 9-5-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Parts 1910, 1915, 1916, 1917, 1918, 1926]

[Docket No. H-001]

STANDARD FOR WORK IN CONFINED SPACES

Extension of Time for Comments

On 24 July 1975 an advance notice of proposed rulemaking regarding an occupational safety and health standard for entry into and work in confined spaces was published in the FEDERAL REGISTER (40 FR 30980). Interested parties were given until 25 August 1975 to submit data, views, arguments, and comments.

It has now been determined that this deadline is too early to permit full comment by all interested parties. This rulemaking is expected to involve a number of important and complex issues and is of concern to a wide variety of occupations and industries.

Accordingly, it has been determined to be in the public interest to extend the deadline for public comment until October 24, 1975. Interested parties may submit data, views, and arguments relative to the issues set forth in 40 FR 30980 or other issues they feel are pertinent to setting a standard for entry into and work in confined spaces. All communications should be mailed to the Docket Officer, Docket H001, Occupational Safety and Health Administration, U.S. Department of Labor, Rm. N3618, 200 Constitution Ave., NW., Washington, D.C. 20210 by October 24, 1975.

This extension of time for comments is issued under section 41 of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1444, as amended; 33 U.S.C. 941), section 107 of the Contract Work Hours and Safety Standards Act as amended (83 Stat. 96; 40 U.S.C. 333), and section 6 of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655).

Signed at Washington, D.C., this 29th day of August 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-23733 Filed 9-5-75;8:45 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 337]

INSIDER TRANSACTIONS

Proposed Approval and Record Keeping Requirements; Amendment

1. On September 3, 1975, the Board of Directors of the Federal Deposit Insurance Corporation published for comment a proposed § 337.3 to be added to Part 337 of Title 12 of the Code of Federal Regulations entitled "Approval and Record Keeping Requirements Pertaining to Insider Transactions." The Board of Directors has decided to amend the proposed § 337.3 in order to make clear that the proposed regulation is intended at this time to apply only to insured State nonmember commercial banks.

2. The first sentence of the fifth paragraph of the notice of proposed rulemaking is amended to read as follows:

The regulation would apply to all insured State nonmember commercial banks.

3. The following new paragraph is added immediately preceding the proposed § 337.3:

The proposed regulation does not apply to insured mutual savings banks, although the Corporation's Board of Directors fully intends at an early date to extend similar procedures, specifically adapted to such banks, to transactions involving their officers, employees and trustees. Comments on the proposed regulation are, therefore, solicited from mutual savings banks and their representatives.

4. The proposed new § 337.3 is amended to read as follows:

§ 337.3 Insider transactions.

(a) *Definitions*—(1) *Bank.* The term "bank" means any insured State nonmember bank, other than a mutual savings bank as defined in section 3(f) of the Federal Deposit Insurance Act (12 U.S.C. 1813(f)), and any subsidiary controlled by such a bank.

* * * * *

5. The Corporation intends at an early date to adapt provisions similar to the proposed regulation to the special circumstances of insured nonmember mutual savings banks. Thus, in addition to the comments previously solicited by the Corporation, the Corporation would be interested in receiving comments from insured nonmember mutual savings banks and other interested persons both on the substance of the proposed regulation and on how the provisions might best be adapted to such banks.

6. All interested persons are invited to submit comments in writing on or before October 31, 1975 to Alan Miller, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429. All written comments will be made available for public inspection during regular business hours at the Office of the Executive Secretary, Room 6108, at the above address.

By order of the Board of Directors, September 2, 1975.

FEDERAL DEPOSIT INSURANCE CORPORATION,

[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.75-23810 Filed 9-5-75;8:45 am]

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

[36 CFR Part 903]

PRIVACY ACT

Notice of Proposed Rulemaking

Correction

In FR Doc. 75-22730, appearing at page 39671, in the issue for Thursday, August 28, 1975, in the first column of page 39671, in the fourth paragraph, immediately after the third line insert: "addressed to the General Counsel, Penn-".

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[7 CFR Part 1464]

BURLEY TOBACCO

Grade Loan Rates for Price Support on 1975-Crop Tobacco

Notice is hereby given that CCC is considering the grade loan rates to be applied in making price support available on 1975-crop burley tobacco.

Interested persons are invited to participate in establishing the grade loan rates to be applied by submitting views and recommendations in writing to the Director, Tobacco and Peanuts Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250. All comments received on or before October 6, 1975, will be considered. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during the regular business hours (8:15 a.m. to 4:45 p.m.) (7 CFR 1.27(b)).

Under the Tobacco Loan Program published in this part, CCC proposes to establish loan rates by grades for the 1975-crop burley tobacco, type 31, as set forth herein. These proposed rates, calculated to provide the level of support of 96.1 cents per pound as determined under section 106 of the Agricultural Act of 1949 (7 U.S.C. 1445) are as follows: