The special regulations which have since been promulgated reflect this revised split charter requirement by making it clear that the charter contract for the group must cover "40 or more seats." [2] However, the two special charter rules which were in effect in 1971 for Study Group Charters and Inclusive Tour Charters (14 CFR Parts 373 and 378, respectively) have never been revised to reflect the concept of a 40-seat split-charter contract rather than a 40 passenger group.

Globus-Gateway Tours, Ltd. has filed a petition for rulemaking calling this matter to our attention and requesting an appropriate amendment.[4] Answers in support of Globus-Gateway's petition has been filed by Overseas National Airways and American Leadership Study Groups. No other answers have been received.

We agree that the pertinent provisions in the existing charter rules should be amended so as to remove any ambiguity that, for split-charter purposes, only the number of seats covered by the charter contract is significant, regardless of the size of the group.

Because this amendment relieves a burden and is of a technical nature which serves to conform the provisions of this special charter rule with those set forth in the Board's other charter rules, the Board finds that notice and public procedure are unnecessary and would not be in the public interest and that the rule may become effective on less than 30 days' notice.

Accordingly, the Civil Aeronautics Board hereby amends Part 373 effective February 17, 1976, as follows:

Amend § 373.2 to read in part as follows:

§ 373.2 Definitions.

* * * * *

"Study group charter" means

* * * * *

(3) An aircraft under charter to one study group charterer may carry any number of study groups: *Provided*, That if more than one group is carried, the charter contract for each of the groups shall be for 40 or more seats.

* * * * *

(Sections 101, 204, 401 and 402 of the Federal Aviation Act of 1958 as amended, 72 Stat. 737, 743, 754 and 757, 49 U.S.C. 1301, 1324, 1371 and 1372.)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.76-4909 Filed 2-19-76;8:45 am]

[2] Part 372a (Travel Group Charters), SPR-61, effective September 27, 1972, 37 F.R. 20808, § 372a.10(b), and Part 378a (One-stop-inclusive Tour Charters) SPR-85, effective September 13, 1975, 40 F.R. 34809, § 378a.10(b).

[4] Docket 28579. Although the petition referred only to Inclusive Tour Charters, the same situation exists also in the Study Group Charter rule and we are treating both rules simultaneously.

[Regulation SPR-100, Amdt. 13]

PART 378—INCLUSIVE TOUR CHARTERS

Technical Amendment

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., February 17, 1976.

For the reasons stated in SPR-99, issued contemporaneously herewith, the Civil Aeronautics Board hereby amends Part 378 effective February 17, 1976, as follows:

Amend § 378.2 to read in part as follows:

§ 378.2 Definitions.

* * * * *

(b) * * *

* * * * *

(5) An aircraft under charter to one tour operator or foreign tour operator may carry any number of tour groups: *Provided*, That, if more than one group is carried, the charter contract for each of the groups shall be for 40 or more seats.

* * * * *

(Sections 101, 204, 401 and 402 of the Federal Aviation Act of 1958 as amended, 72 Stat. 737, 743, 754 and 757, 49 U.S.C. 1301, 1324, 1371 and 1372.)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.76-4910 Filed 2-19-76;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2784]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Lustrasilk Corporation of America, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.170 Qualities or properties of product or service; 13.170–24 Cosmetic or beautifying; 13.170–30 Durability or permanence; § 13.205 Scientific or other relevant facts. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–45 Maintain records; 13.533–45 (k) Records, in general. Subpart—Misrepresenting oneself and goods—Goods: § 13.1710 Qualities or properties; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1850 Content; § 13.1870 Nature; § 13.1890 Safety; § 13.1895 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts. Subpart—Packaging or labeling of consumer commodities unfairly and/or deceptively: § 13.21.00 Packaging or labeling of consumer commodities unfairly and/or deceptively; 13.2100–5 Labeling. Subpart—Using deceptive techniques in advertising: § 13.2275 Using deceptive techniques in advertising.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

In the Matter of Lustrasilk Corporation of America, Inc., a corporation; and D. C. Smith and Guenther Roth, individually and as officers of said corporation.

Consent order requiring a St. Louis Park, Minn., manufacturer of cosmetics, among other things to cease misrepresenting that its hair conditioners are safe and from making other false claims; and further requiring the firm to include a health hazard warning in advertising and labeling for the products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

I. *It is ordered* That respondents Lustrasilk Corporation of America, Inc., a corporation, its successors and assigns, and its officers, and D. C. Smith and Guenther Roth, individually and as officers of Lustrasilk Corporation of America, Inc., and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of Lustrasilk Home Permanent and Lustrasilk 4 Application Home Perm Kit or any cosmetic in or affecting commerce, as "cosmetic" and "commerce" are defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

A. Representing in writing, orally, visually, or in any other manner, directly or by implication, that:

1. Any hair straightening product is gentle or safe, unless at the time the representation is made respondents have a reasonable basis, consisting of competent and reliable controlled tests, to support such representation, and unless at the time and in the place such representation is made respondents also state: "Warning: the Lustrasilk process uses a pressing comb which may damage hair or scalp if not properly used."

2. Any hair straightening product or process does not or cannot cause hair damage or loss, unless at the time the representation is made respondents have a reasonable basis, consisting of competent and reliable controlled tests, to support such representation, and unless at the time and in the place such representation is made respondents also state: "Warning: the Lustrasilk process uses a pressing comb which may damage hair or scalp if not properly used."

3. Any such product is beneficial to hair or improves its condition or appearances unless at the time the representation is made, respondents have a reason-

[1] Copies of the Complaint, Decision and Order, filed with the original document.

able basis, consisting of competent and reliable controlled tests, to support such representation.

4. Any such product is a hair straightener or aids in maintaining the straightened effect achieved by application of a pressing comb, unless at the time the representation is made, respondents have a reasonable basis, consisting of competent and reliable controlled tests, to support such representation.

B. Representing, in any manner, the safety or efficacy of any cosmetic, or the ingredients therein, unless at the time such representation is made, respondents have in their possession a reasonable basis, consisting of competent and reliable controlled tests, to support such representation; or misrepresenting in any manner the nature of any such product or its ingredients or the effect of any such product or its ingredients on hair or skin or any other structure of the body.

C. Disseminating or causing to be disseminated any advertisement of Lustrasilk Home Permanent or Lustrasilk 4 Application Home Perm Kit or any similar product which fails to disclose, clearly and conspicuously with nothing to the contrary or in mitigation thereof, the following statement exactly as it appears below:

WARNING: This product may cause skin and eye irritation. Follow directions carefully.

Provided, however, That if competent and reliable controlled tests indicate that such product does not cause skin irritation, respondents shall substitute for the first sentence of the warning statement above, the following:

This product may cause eye irritation.

D. Using the words "permanent" and "perm" or words of similar import and meaning in the trade names Lustrasilk Home Permanent and Lustrasilk 4 Application Home Perm Kit and trade names of any similar product, unless at the time the representation is made respondents have a reasonable basis, consisting of competent and reliable controlled tests, to support such representation;

Provided, however, That respondents may continue the use of such words on retail packages of the home use product until January 1, 1976 and on retail packages of the professional use product until April 1, 1976.

E. Failing to include clearly and conspicuously on an information panel of the retail product package, on the package insert, and on the label of the solution container of Lustrasilk Home Permanent and Lustrasilk 4 Application Home Perm Kit and any similar product, with nothing to the contrary or in mitigation thereof, the following disclosures exactly as they appear below:

WARNING: 1. The hair culture solution may cause skin and eye irritation. Conduct a preliminary patch test according to enclosed instructions before using this product. Follow directions carefully.

2. Do not use if scalp is irritated or injured.

3. If the hair culture solution causes skin or scalp irritation, rinse out immediately. If irritation persists, consult a physician.

4. If the hair culture solution gets into eyes, rinse immediately. If iritation persists, consult a physician.

Provided, however, That if competent and reliable controlled tests indicate that such product does not cause skin irritation, respondents shall substitute for the first warning statement above, the following:

The hair culture solution may cause eye irritation. Follow directions carefully.

Respondents shall comply with Paragraph I.E. of this order by August 15, 1975, or by the date this order becomes effective, whichever shall occur first.

Provided, however, That respondents may use existing solution containers until exhausted or until April 1, 1976, whichever shall occur first.

F. Failing to include in the instructions for use of Lustrasilk Home Permanent and Lustrasilk 4 Application Home Perm Kit and any similar product which, according to competent and reliable controlled tests, causes skin irritation, instructions for a skin patch test which enables the user to determine whether such product will irritate his or her skin.

II. *It is further ordered,* That respondents Lustrasilk Corporation of America, Inc., a corporation, its successors and assigns, and its officers, and D. C. Smith and Guenther Roth, individually and as officers of Lustrasilk Corporation of America, Inc., and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of Lustrasilk Home Permanent and Lustrasilk 4 Application Home Perm Kit, or any cosmetic, as "cosmetic" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Disseminating or causing to be disseminated by United States mails or by any means in or having an effect upon commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, for the purpose of inducing, or which is likely to induce, directly or indirectly the purchase of any such product, any advertisement which contains a representation prohibited by Paragraph I of this order or which omits a disclosure for such product required by Paragraph I of this order.

B. Disseminating or causing to be disseminated by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of any such product in or having an effect upon commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, any advertisement which contains a representation prohibited by Paragraph I of this order or which omits a disclosure for such product required by Paragraph I of this order.

III. *It is further ordered,* That respondents shall distribute a copy of this order to their present and future officers, directors, and operating divisions and that respondents secure from each such person a signed statement acknowledging receipt of the order.

IV. *It is further ordered,* That respondents maintain complete business records relative to the manner and form of their continuing compliance with the terms and provisions of this order. Each record shall be retained by respondents for at least three years after it is made.

V. *It is further ordered,* That the corporate respondent notify the Commission at least thirty days prior to any proposed change in respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation or corporations, the creation or dissolution of subsidiaries, a change in corporate name or address, or any other change in the corporation which may affect compliance obligations arising out of this order.

VI. *It is further ordered,* That each individual respondent promptly notify the Commission of the discontinuance of his present business or employment and/or his affiliation with a new business or employment at any time within the next five years, or, if such new affiliation is with any business associated with the cosmetic industry, then such notice shall be promptly given whenever such new affiliation occurs. Such notice shall include the respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

VII. *It is further ordered,* That respondents shall, within sixty days after service upon them of this order, file with the Commission a written report setting forth in detail the manner and form of their compliance with this order.

The Decision and Order was issued by the Commission Jan. 27, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-4835 Filed 2-19-76;8:45 am]

[Docket C-2785]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Perma-Strate Company, et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.20 Comparative data or merits; § 13.110 Endorsements, approval and testimonials; § 13.170 Qualities or properties of product or service; 13.170-30 Durability or permanence; § 13.205 Scientific or other relevant facts. Subpart—Claiming or using endorsements or testimonials falsely or misleadingly: § 13.330 Claiming or using endorsements or testimonials falsely or misleadingly; 13.330-94 Users, in general. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-45 Maintain records; 13.533-45(k) Records, in

general. Subpart—Misrepresenting oneself and goods—Goods: § 13.1710 Qualities or properties; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1850 Content; § 13.1870 Nature; § 13.1890 Safety; § 13.1895 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts. Subpart—Packaging or labeling of consumer commodities unfairly and/or deceptively: § 13.2100 Packaging or labeling of consumer commodities unfairly and/or deceptively; 13.2100–5 Labeling. Subpart—Using deceptive techniques in advertising: § 13.-2275 Using deceptive techniques in advertising.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

In the Matter of The Perma-Strate Company, a corporation; Jeannette Goldner, individually and as an officer of said corporation; Allyn S. Goldner, individually and as sole shareholder and chairman of the board of directors of said corporation; and Merrill Kremer, Inc., a corporation.

Consent order requiring a Memphis, Tenn., manufacturer of hair care cosmetics, among other things to cease misrepresenting that its hair conditioners are safe and from making other false claims; and further requiring the firm to include a health hazard warning in advertising and labeling for the products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

I. *It is ordered,* That respondents The Perma-Strate Company and Merrill Kremer, Inc., corporations, their successors and assigns, and their officers, and Jeannette Goldner, individually and as an officer of The Perma-Strate Company, and Allyn S. Goldner, individually and as sole shareholder and as chairman of the board of directors of The Perma-Strate Company, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of Perma Strate straightener or any cosmetic in or affecting commerce, as "cosmetic" and "commerce" are defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

A. Representing in writing, orally, visually or in any other manner, directly or by implication, that:

1. Any hair straightening product is safe, gentle or mild or its ingredients cannot or do not harm hair or skin.

2. Any hair straightening product may be used on bleached or tinted hair without risk of hair damage.

3. Beauticians use any such product or approve, recommend or endorse such product in any way, unless at the time the representation is made respondents have a reasonable basis, consisting of competent and reliable survey data, to support such representation.

4. Any such product is longer-lasting than any other product, unless at the time such representation is made respondents have a reasonable basis, consisting of competent and reliable tests or evidence, to support such representation.

B. Representing, in any manner, the safety or efficacy of any cosmetic, or the ingredients therein, unless at the time such representation is made respondents have in their possession a reasonable basis, consisting of competent and reliable controlled tests, to support such representation; or misrepresenting in any manner the nature of any such product or its ingredients or the effect of any such product or its ingredients on hair or skin or any other structure of the body.

C. Disseminating or causing to be disseminated any advertisement of Perma Strate straightener or any similar product which fails to disclose, clearly and conspicuously, with nothing to the contrary or in mitigation thereof, the following statement exactly as it appears below:

Warning: Follow directions carefully to avoid skin and scalp irritation, hair breakage and eye injury.

Provided, however, That Paragraph I of this order shall apply to respondent Merrill Kremer, Inc. only with respect to Perma Strate straightener and any cosmetic manufactured by respondent The Perma-Strate Company, and any hair straightening product or process.

II. *It is further ordered,* That respondents The Perma-Strate Company and Merrill Kremer, Inc., corporations, their successors and assigns, and their officers, and Jeannette Goldner, individually and as an officer of The Perma-Strate Company, and Allyn S. Goldner, individually and as sole shareholder and as director of The Perma-Strate Company, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of Perma Strate straightener or any cosmetic, as "cosmetic" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Disseminating or causing to be disseminated by United States mails or by any means in or having an effect upon commerce, as "commerce" is defined in the Federal Trade Commission Act, for the purpose of inducing, or which is likely to induce, directly or indirectly the purchase of any such product, any advertisement which contains a representation prohibited by Paragraph I of this order or which omits a disclosure for such product required by Paragraph I of this order.

B. Disseminating or causing to be disseminated by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of any such product in or having an effect on commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains a representation prohibited by Paragraph I of this order or which omits a disclosure for such product required by Paragraph I of this order.

Provided, however, That Paragraph II of this order shall apply to respondent Merrill Kremer, Inc. only with respect to Perma Strate straightener and any cosmetic manufactured by respondent The Perma-Strate Company, and any hair straightening product or process.

It is further ordered, That respondents The Perma-Strate Company, its successors, assigns and officers, and Jeannette Goldner, individually and as an officer of The Perma-Strate Company, and Allyn S. Goldner, individually and as sole shareholder and as director of The Perma-Strate Company, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device in connection with the offering for sale, sale, or distribution of Perma Strate Straightener or any similar product in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from failing to include clearly and conspicuously on an information panel of the retail product package, on the package insert, and on the label of the straightener container of any such product, with nothing to the contrary or in mitigation thereof, the following disclosures exactly as they appear below:

Warning: 1. This product contains caustic ingredients. You must follow directions carefully to avoid skin and scalp burns, hair loss, and eye injury.

3. Do not use on bleached, dyed or tinted hair. If hair has been relaxed previously, apply only to new growth.

4. If the straightener causes skin or scalp irritation, rinse out immediately and neutralize with the shampoo in the kit. If irritation persists or if hair loss occurs, consult a physician.

5. If the straightener gets into eyes, rinse immediately and consult a physician.

Respondents shall comply with this provision by August 15, 1975 or by the effective date of this order, whichever shall occur first.

IV. *It is further ordered,* That respondents shall distribute a copy of this order to their present and future officers, directors, and operating divisions and that respondents secure from each such person a signed statement acknowledging receipt of this order.

V. *It is further ordered,* That respondents maintain complete business records relative to the manner and form of their continuing compliance with the terms and provisions of this order. Each record shall be retained by respondents for at least three years after it is made.

VI. *It is further ordered,* That the corporate respondents notify the Com-

[1] Copies of the Complaint, Decision and Order, filed with the original document.

mission at least thirty days prior to any proposed change in respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation or corporations, the creation or dissolution of subsidiaries, a change in corporate name or address, or any change in the corporations which may affect compliance obligations arising out of this order.

VII. *It is further ordered,* That each individual respondent promptly notify the Commission of the discontinuance of his or her present business or employment and/or his or her affiliation with a new business or employment. Such notice shall include the respondent's current address and a statement as to the nature of the business or employment in which he or she is engaged as well as a description of his or her duties or responsibilities.

VIII. *It is further ordered,* That respondents shall, within sixty days after service upon them of this order, file with the Commission a written report setting forth in detail the manner and form of their compliance with this order.

The Decision and Order was issued by the Commission Jan. 27, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-4848 Filed 2-19-76;8:45 am]

[Docket C-2557]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Union Carbide Corporation

Correction

In FR Doc. 76-3466 appearing on page 5272 of the issue for Thursday, February 5, 1976, the following corrections are made:

1. On page 5273, middle column line 24, after the word "or" and beginning with the word "AND", and continuing to line 60 thru the word "or", should be transferred to column 3 line 20, ending with the word "HEALTH." Text should be inserted to continue with word "representations" on line 20.

2. On page 5273, third column, line 1 "VI" should read: "IV."

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-4849 Filed 2-19-76;8:45 am]

Title 21—Food and Drugs

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

[Docket No. 75N-0067]

PART 310—NEW DRUGS

Radioactive New Drugs and Radioactive Biologics; Extension of Time for Continued Commercial Distribution

The Food and Drug Administration (FDA) is extending the time during which commercial distribution of certain radioactive drugs will be permitted pending completion of the review of new drug applications (NDA's) or "Notices of Claimed Investigational Exemption for a New Drug" (IND's) submitted to FDA for such drugs.

In the FEDERAL REGISTER of November 3, 1971 (36 FR 21026), a regulation (21 CFR 130.49, subsequently redesignated § 310.503 (39 FR 11680, March 29, 1974)) was published that terminated the exemption from the investigational new drug requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and § 312.1 (21 CFR 312.1); the exemption had been provided for certain radioactive new drugs, including radioactive biological products. The drugs for which the exemption was terminated were those that contained specific reactor-produced radionuclides that the Nuclear Regulatory Commission (NRC, formerly the Atomic Energy Commission) concluded had well-established medical uses. It was concluded that applicants could reasonably be expected to submit adequate evidence of safety and effectiveness for use as recommended in appropriate labeling for drugs containing any of these radionuclides without conducting additional clinical studies. It was determined that such drugs should no longer be distributed under investigational use labeling when actually they were intended for use in medical practice.

The Commissioner of Food and Drugs issued, in the FEDERAL REGISTER of July 25, 1975 (40 FR 31298), a regulation terminating the exemption from the investigational new drug requirements for those radioactive new drugs manufactured from reactor-produced radionuclides, including radioactive biological products, that were not covered by the November 3, 1971 regulation. The July 25, 1975 regulation listed, consistent with the earlier regulation, additional radionuclides that NRC considered to have well-established medical uses and set forth the same policy announced in the November 3, 1971 regulation regarding the submission of adequate evidence of safety and effectiveness.

Many drugs containing the radionuclides listed in § 310.503 (c) and (f) were being marketed commercially in conformance with NRC's regulations before publication of FDA's July 25, 1975 regulation. To prevent any interruption in the availability of these already-marketed radioactive drugs, FDA's regulation permitted continued shipment of these drugs in interstate commerce until FDA issued a nonapprovable notice for a new drug application or application for a biological product license, or terminated a "Notice of Claimed Investigational Exemption for a New Drug", or the stated deadline of February 20, 1976, whichever occurred first.

When the July 25, 1975 regulation was published, it was impossible to predict how many applications would be received or what difficulties would arise in reviewing these or previous submissions. Thirty-one applications for drug products, including biological products, manufactured from reactor-produced radionuclides for which the exemption from the new drug requirements of the act has been terminated are in various stages of the review process. The Commissioner has determined that the February 20, 1976 date will not allow sufficient time to complete the review of all of these applications. He is therefore amending § 310.503 (d)(3) and (f)(5) by extending the February 20, 1976 date to August 20, 1976.

The extended date is necessary solely to forestall an administrative burden within FDA. The Commissioner has concluded that it imposes no additional burden on the medical community or on marketers of these important radioactive drugs. Consequently, he finds good cause that notice and public procedure are not required for promulgation of this amendment, and that it shall be made effective February 20, 1976.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 505, 701 (a), 52 Stat. 1052–1053, as amended, 1055 (21 U.S.C. 355, 371(a))), the Public Health Service Act (sec. 351, 58 Stat. 702, as amended (42 U.S.C. 262)) and under authority delegated to him (21 CFR 2.120), the Commissioner is amending Part 310 in § 310.503 *Requirements regarding certain radioactive drugs,* by changing the date "February 20, 1976" in the last sentence of paragraphs (d)(3) and (f)(5) of the section to read "August 20, 1976".

Effective date. This regulation shall become effective February 20, 1976.

(Secs. 505, 701(a), 52 Stat. 1052–1053, as amended, 1055 (21 U.S.C. 355, 371(a)); sec. 351, 58 Stat. 702, as amended (42 U.S.C. 262))

Dated: February 17, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-4980 Filed 2-19-76;8:45 am]

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Exempt Chemical Preparations

The Acting Administrator of the Drug Enforcement Administration has received applications pursuant to § 1308.23 of Title 21 of the Code of Federal Regulations requesting that several chemical preparations containing controlled substances be granted the exemptions provided for in § 1308.24 of Title 21 of the Code of Federal Regulations.

The Acting Administrator hereby finds that each of the following chemical preparations and mixtures is intended for laboratory, industrial, education, or special research purposes, is not intended for general administration to a human being or other animal, and either (a) contains no narcotic controlled substances and is packaged in such a form or concentration that the package quantity does not present any significant potential for abuse, (b) contains either a narcotic or non-narcotic controlled substance and one or more adulterating or denaturing agents in such a manner, combination, quantity, proportion or concentration, that the preparation or mixture does not present any potential for abuse, or (c) the formulation of such

preparation or mixture incorporates methods of denaturing or other means so that the controlled substance cannot in practice be removed, and therefore the preparation or mixture does not present any significant potential for abuse. The Acting Administrator further finds that exemption of the following chemical preparations and mixtures is consistent with the public health and safety as well as the needs of researchers, chemical analysts, and suppliers of these products.

Therefore, pursuant to section 202(d) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 812(d)), and under the authority vested in the Attorney General by sections 301 and 501(b) of the Act (21 U.S.C. 821 and 871(b)) and delegated to the Acting Administrator of the Drug Enforcement Administration by, and in accordance with, Regulations of the Department of Justice (Title 28 of the Code of Federal Regulations, Part O), the Acting Administrator of the Drug Enforcement Administration hereby orders that Part 1308 of Title 21 of the Code of Federal Regulations be amended as follows:

a. By amending Section 1308.24(i) by adding the following chemical preparations:

§ 1308.24 Exempt chemical preparations.

* * * * *

(i) * * *

Manufacturer or supplier	Product name and supplier's catalog No.	Form of product	Date of application
Hyland Division Travenol Labs., Inc.	T-1	Vial: 20 ml	Jan. 13, 1976[6]
Do	T-2	do	Do.
Do	T-4	Vial: 50 ml	Do.
Do	T-5	do	Do.
Do	T-6	Vial: 20 ml	Do.
Do	T-7	do	Do.
Do	T-8	Vial: 50 ml	Do.
Do	T-9	do	Do.
Do	T-10	do	Do.
Do	T-11	Vial: 20 ml	Do.
Do	T-12	do	Do.
Do	T-14	Vial: 50 ml	Do.
Do	T-15	do	Do.
Do	T-16	Vial: 20 ml	Do.
Do	T-18	Vial: 50 ml	Do.
Do	T-20	do	Do.
Do	TC-1	Vial: 5 ml	Do.
Do	TC-2	do	Do.
Gelman Instruments Co	Drug Standard Set, No. 51910	Set: 3 vials of 2 ml each	Apr. 6, 1972
Do	Drug Control Set, No. 51911	Set: 3 vials of 50 ml each	Do.
Do	High Resolution, buffer-Tris Barbital buffer, No. 51104.	Vial: 10 dr	Dec. 22, 1971
Collaborative Research Inc	Radioimmunoassay of Tetrahydrocannabinol.	Kit containing: Δ^9-THC antiserum, $^3H-\Delta^9$-THC antigen, Assay buffer, Dextran coated charcoal, ^{14}C Δ^9-THC standard, Normal rabbit serum	Jan. 5, 1976
Do	^3H Δ^9-THC Antigen	Vial: 1 ml	Do.
Do	^{14}C Δ^9-THC Standard	do	Do.
Behring Diagnostics American Hoechst Corp.	Immuno-tec^{R}II Agarose Plates	Foil pouch: 5.35 by 5.25 in	Jan. 16, 1976
Do	IEP Buffer pH 8.2	Foil pouch: 5.35 by 5.25 in, 6.5 g	Do.

b. By amending Section 1308.24(i) by deleting the following chemical preparations:

Manufacturer or supplier	Product name and supplier's catalog No.	Form of product	Date of application
Gebman Instruments Co	Drug Standard Set, No. 51910	Set: 3 vials of 2 ml each	Apr. 6, 1972[2]
Do	Drug Control Set, No. 51911	Set: 3 vials of 50 ml each	Do.
Do	High Resolution, buffer-Tris Barbital buffer, No. 51104.	Vial: 10 dr	Dec. 22, 1971
Do	Beprachram drug System, No. 51920.	Chambers: 6 by 9 cm	Sept. 6, 1972
Hyland Division Travenol Labs., Inc.	T-1	Vial: 20 ml	Jan. 20, 1975
Do	T-2	do	Do.
Do	T-3	Vial: 50 ml	Do.
Do	T-4	do	Do.
Do	T-5	do	Do.
Do	T-6	Vial: 20 ml	Do.
Do	T-7	do	Do.
Do	T-8	Vial: 50 ml	Do.
Do	T-9	do	Do.
Do	T-10	do	Do.
Do	T-11	Vial: 20 ml	Do.
Do	T-12	do	Do.
Do	T-13	Vial: 50 ml	Do.
Do	T-15	do	Do.
Do	T-16	Vial: 20 ml	Do.
Do	T-17	do	Do.
Do	T-18	Vial: 50 ml	Do.
Do	T-19	do	Do.
Do	T-20	do	Do.
Do	T-21	Vial: 20 ml	July 11, 1974
Do	T-22	do	Do.
Do	T-23	Vial: 50 ml	Do.
Do	T-24	do	Do.
Do	T-25	do	Do.
Do	T-27	Vial: 20 ml	July 15, 1974
Do	T-28	Vial: 50 ml	Do.
Do	T-29	do	Do.
Do	T-30	do	Do.
Behring Diagnostics American Hoechst Corp.	Immuno-tec^{R}II Agarose Plates	Foil pouch: 5.35 by 5.25 in	Nov. 29, 1975
Do	IEP Buffer pH 8.2	Foil pouch: 5.35 by 5.25 in, 6.5 g	Sept. 24, 1975

* * * * * * *

Effective date. This order is effective February 20, 1976. Any person interested may file written comments on or objections to the order on or before April 19, 1976. If any such comments or objections raise significant issues regarding any finding of fact or conclusion of law upon which the order is based, the Acting Administrator shall immediately suspend the effectiveness of the order until he may reconsider the application in light of the comments and objections filed. Thereafter, the Acting Administrator shall reinstate, revoke or amend his original order as he determines appropriate.

Dated: February 9, 1976.

PETER B. BENSINGER,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.76-4717 Filed 2-19-76;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 640-76]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart B—Office of the Attorney General

THE ATTORNEY GENERAL'S ADVISORY COMMITTEE OF UNITED STATES ATTORNEYS

This order formally establishes the Attorney General's Advisory Committee of United States Attorneys. It recognizes that the United States Attorneys, as Presidential appointees having responsibilities mandated by Congress (28 U.S.C. 547) should be afforded an appropriate and formal means for contributing to the development of Department of Justice policies and procedures. The Committee will also aid in the improvement of liaison between Federal and State law enforcement officials, the promotion of greater consistency in the application of legal standards, and the improvement of the criminal justice system at all levels of government.

By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301, Subpart B of Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended by adding the following new § 0.10:

§ 0.10 Attorney General's Advisory Committee of United States Attorneys.

(a) The Attorney General's Advisory Committee of United States Attorneys shall consist of fifteen United States Attorneys, designated by the Attorney General. The membership shall be selected to represent the various geographic areas of the Nation and both large and small offices. Members shall serve at the pleasure of the Attorney General, but such service normally shall not exceed three years and shall be subject to adjustment by the Attorney General so as to assure the annual rotation of approximately one-third of the Committee's membership.

(b) The Committee shall make recommendations to the Attorney General and to the Deputy Attorney General concerning any matters which the Committee believes to be in the best interests of justice, including but not limited to the following:

(1) Establishing and modifying policies and procedures of the Department;

(2) Improving management, particularly with respect to the relationships between the Department and the United States Attorneys;

(3) Cooperating with State Attorneys General and other State and local officials for the purpose of improving the quality of justice in the United States;

(4) Promoting greater consistency in the application of legal standards throughout the Nation and at the various levels of government; and

(5) Aiding the Attorney General and the Deputy Attorney General in formulating new programs for improvement of the criminal justice system at all levels, including proposals relating to legislation and court rules.

(c) The Committee shall select from its membership a chairman, a vice-chairman and a secretary, and shall establish such subcommittees as it deems necessary to carry out its objectives. United States Attorneys who are not members of the Committee may be included in the membership of subcommittees.

(d) The Executive Office for United States Attorneys shall provide the Committee with such staff assistance and funds as are reasonably necessary to carry out the Committee's responsibilities.

Dated: February 13, 1976.

EDWARD H. LEVI,
Attorney General.

[FR Doc.76-4841 Filed 2-19-76;8:45 am]

Title 29—Labor

CHAPTER XXV—OFFICE OF EMPLOYEE BENEFITS SECURITY, DEPARTMENT OF LABOR

PART 2509—INTERPRETIVE BULLETINS RELATING TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

An Interpretive Bulletin

In order to provide a concise and ready reference to its interpretations of the provisions of Title I of the Employee Retirement Income Security Act of 1974, the Department of Labor is publishing its interpretive bulletins in the Rules and Regulations section of the FEDERAL REGISTER.

Published in this issue of the FEDERAL REGISTER is ERISA IB 76-2, which rescinds the guidelines on seasonal industries.

The guidelines on seasonal industries were issued to provide guidance for determining whether a plan covers employees in a seasonal industry where the customary period of employment is less than 1,000 hours during a calendar year. Because the requirements for employees in seasonal industries (sections 202(a)(3)(B), 203(b)(2)(C) and 204(b)(3)(D) of Title I and the counterpart provisions of Title II) are phrased in terms of a particular kind of industry, whereas the participation and vesting provisions of the Act focus generally on plans, the special provisions for seasonal industries depart from the general scheme of the Act. In an effort to meld the special provisions for seasonal industries into the general participation, vesting and accrual provisions, the guidelines on seasonal industries use a plan as the appropriate benchmark for determining whether employees are covered by a plan in a seasonal industry.

After consideration of a number of alternatives, the Department put forth the objective test of IB 76-1. This test would give a conclusive answer to the seasonality question for many plans, with limited grounds for challenge. In addition, this approach allows extension of seasonal industry treatment to a broad range of employees without the time-consuming fact-gathering and determination process that is a feature of, for example, the approach to defining seasonal industries under section 7 of the Fair Labor Standards Act of 1938, as amended. *See* 29 CFR Part 526.

Since the issuance of IB 76-1, a number of comments have been received by the Department of Labor pointing out that the guidelines included in the definition of seasonality a significant number of plans in industries which would be generally recognized as non-seasonal. The comments stressed the adverse economic impact upon plans in these affected industries and requested that the guidelines be either withdrawn or held in abeyance until additional guidelines or a regulation are issued. The Department has determined that these criticisms have merit, and is therefore rescinding the guidelines on seasonal industries.

Copies of this interpretive bulletin may be obtained from the Office of Employee Benefits Security Information Office, Room N-4510, New Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20216.

Sec. 2509-76-2 Interpretive Bulletin Rescinding Guidelines on Seasonal Industries.

AUTHORITY: Secs. 202(a)(3)(B), 203(b)(2)(C), 204(b)(3(D) and 505, Employee Retirement Income Security Act of 1974.

§ 2509.76-2 Interpretive bulletin rescinding guidelines on seasonal industries.

The Department of Labor has determined that the guidelines on seasonal industries, ERISA IB 76-1 published at 41 FR 3290 on January 22, 1976, should be rescinded. The Department will issue guidelines or a regulation on seasonal industries in the future.

In consideration of the foregoing, the guidelines on seasonal industries published in the FEDERAL REGISTER at 41 FR 3290 on January 22, 1976, and issued as ERISA IB 76-1 are hereby rescinded.

Signed at Washington, D.C. this 13th day of February, 1976.

JAMES D. HUTCHINSON,
Administrator of Pension and Welfare Benefit Programs.

[FR Doc.76-4728 Filed 2-19-76;8:45 am]

Title 40—Protection of Environment

[FRL 492-3]

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Delegation of Authority to State of Oregon

Pursuant to the delegation of authority for the standards of performance for new stationary sources (NSPS) to the State of Oregon on November 10, 1975, EPA is today amending 40 CFR 60.4, *Address*, to reflect this delegation. A Notice announcing this delegation is published today at 41 FR 7750 in the FEDERAL REGISTER. The amended § 60.4 which adds the address of the State of Oregon Department of Environmental Quality to which all reports, requests, applications, submittals, and communications pursuant to this part must be addressed, is set forth below.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on November 10, 1975 and it serves no purpose to delay the technical change of this addition of the State address to the Code of Federal Regulations.

This rulemaking is effective immediately, and is issued under the authority of Section 111 of the Clean Air Act, as amended. 42 U.S.C. 1857c-6.

Dated: February 11, 1976.

STANLEY W. LEGRO,
Assistant Administrator for Enforcement.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 60.4 paragraph (b) is amended by revising subparagraph (MM) to read as follows:

§ 60.4 Address.

* * * * *

(b) * * *

(A)-(LL) * * *

(MM)—State of Oregon, Department of Environmental Quality, 1234 SW Morrison Street, Portland, Oregon 97205.

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[FR Doc.76-4964 Filed 2-19-76;8:45 am]