

Based upon an evaluation of the data before him, the Commissioner concludes that a tolerance limitation is required to assure that edible tissues and milk of cattle treated with cephalapirin sodium infusion under the approved conditions of use are safe for human use.

The Commissioner is amending Parts 529 and 556 (21 CFR Parts 529, 556) to reflect this approval.

In accordance with § 514.11(e) (2) (ii) (21 CFR 514.11(e) (2) (ii)) of the animal drug regulations, a summary of the safety and effectiveness of data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(1))) and under authority delegated to the Commissioner (21 CFR 2.120) Parts 529 and 556 are amended as follows:

1. In Part 529, by adding new § 529.365 to read as follows:

§ 529.365 Cephalapirin sodium for intramammary infusion.

(a) *Specifications.* Each 10-milliliter dose contains 200 milligrams of cephalapirin sodium activity in a peanut-oil gel.

(b) *Sponsor.* See No. 000915 in § 510.600(c) of this chapter.

(c) *Related tolerances.* See § 556.115 of this chapter.

(d) *Conditions of use.* (1) The drug is used for the treatment of lactating cows having bovine mastitis caused by susceptible strains of *Streptococcus agalactiae* and *Staphylococcus aureus*.

(2) Administer one dose into each infected quarter immediately after the quarter has been completely milked out. Do not milk out for 12 hours. Repeat once only in 12 hours. If improvement is not noted within 48 hours after treatment, consult your veterinarian.

(3) Milk that has been taken from animals during treatment and for 96 hours (8 milkings) after the last treatment must not be used for food. Treated animals must not be slaughtered for food until 4 days after the last treatment.

2. In Part 556, by adding a new § 556.115 to read as follows:

§ 556.115 Cephalapirin.

A tolerance of 0.02 parts per million (ppm) is established for residues of cephalapirin in the milk and 0.1 ppm in the uncooked edible tissues of dairy cattle.

Effective date. This regulation shall be effective December 10, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(1))).

Dated: December 2, 1975.

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

[FR Doc.75-33154 Filed 12-9-75;8:45 am]

PART 546—TETRACYCLINE ANTIBIOTIC DRUGS FOR ANIMAL USE

Chlortetracycline Boluses

The Commissioner of Food and Drugs has evaluated a supplemented new animal drug application (65-047V) filed by Philips Roxane, Inc., 2621 North Belt Highway, St. Joseph, MO 64502, proposing safe and effective use of chlortetracycline boluses for treatment of bacterial enteritis and pneumonia in calves. The supplemental application is approved, effective December 10, 1975.

The Commissioner is amending Part 546 to reflect this approval.

In accordance with § 514.11(e) (2) (ii) (21 CFR 514.11(e) (2) (ii)) of the animal drug regulations, a summary of the safety and effectiveness of data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(1))), and under authority delegated to the Commissioner (21 CFR 2.120), Part 546 is amended in Subpart A by adding new § 546.110h, to read as follows:

§ 546.110h Chlortetracycline boluses.

(a) *Requirements for certification.* The requirements for certification for chlortetracycline boluses are described under § 546.110d. Each bolus contains 250 milligrams of chlortetracycline hydrochloride. Its moisture content is not more than 6.0 percent.

(b) *Tests and methods of assay.* The tests and methods of assay are described in § 446.110a of this chapter. The moisture content is determined using the method described under § 436.201 of this chapter.

(c) *Conditions of marketing.* It is used in calves.

(1) *Sponsor.* See No. 000010 in § 510.600(c) of this chapter.

(2) *Related tolerances.* See § 556.150 of this chapter.

(3) *Indications for use.* It is used for treatment of bacterial enteritis (scours) caused by *E. coli* and bacterial pneumonia associated with *Pasteurella spp.*, *Klebsiella spp.*, and *Hemophilus spp.*

(4) *Limitations.* Administer 1 bolus (250 milligrams) for each 50 pounds of body weight every 12 hours daily for 3 to 5 days; if no improvement is noted after 3 days of treatment, consult a veterinarian; administer by placing well back on the tongue by hand or with a balling gun, or crushed and dissolved in milk or water for drenching or bucket feeding; do not use for more than 5 days; do not slaughter animals for food within 24 hours of latest treatment.

Effective date. This regulation shall be effective on December 10, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(1))).

Dated: December 4, 1975.

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

[FR Doc.75-33155 Filed 12-9-75;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of the New Mexico Plan

1. *Background.* Part 1902 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) whereby States may submit for approval, under the requirements of that section, plans to assume responsibility for the development and enforcement of State occupational safety and health standards. New Mexico first submitted a plan under this section to the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) on July 25, 1973 (38 FR 36780). Initial review of the plan revealed numerous serious deficiencies which remained unresolved after discussions and meetings between State and Federal representatives. Therefore, the Assistant Secretary initiated proceedings to reject the plan under section 18 (d) of the Act and notice to that effect was published in the FEDERAL REGISTER, enumerating the Assistant Secretary's findings with regard to the provisions of the New Mexico State plan dealing with sanctions and their application, employee rights and obligations, and regulation of hazards along with explanations of why these provisions were considered to be not at least as effective as comparable Federal provisions (39 FR 42726). Before hearing on the proposed rejection, the New Mexico legislature enacted new enabling legislation in its 1975 session substantially similar to the comparable Federal provisions.

The State formally submitted its revised plan, containing the new legislation, to the Assistant Secretary on June 4, 1975; and the Secretary of Labor and the State of New Mexico, by stipulation, dismissed the pending rejection proceeding. On August 21, 1975, a notice was published in the FEDERAL REGISTER (40 FR 33575) concerning the resubmission of the plan to the Assistant Secretary and the fact that the question of approval was in issue before him.

The plan designates the New Mexico Environmental Improvement Agency as the agency with the responsibility for the administration of the plan throughout the State. It defines the covered occupational safety and health issues as defined by the Secretary of Labor in

§ 1902.2(c)(1) of Title 29, Code of Federal Regulations, and includes legislation enacted in 1972 and amending legislation which was enacted on April 10, 1975. In addition, the State has adopted Federal occupational safety and health standards as of June 1975, the OSHA Field Operations Manual, and contains regulations adopted August 8, 1975, which are substantially identical to 29 CFR Parts 1903, 1904 and 1905. A further description of the plan and the schedule for its development are summarized in a new Subpart DD of 29 CFR Part 1952 appearing below.

2. *Issues.* The National Office review of the revised New Mexico plan revealed problems which were communicated to the State. The State responded to each of the National Office comments, as well as public comments submitted by the American Federation of Labor and Congress of Industrial Organizations, in a letter dated November 4, 1975, from Aaron Bond, Director of the Environmental Improvement Agency, to Barry J. White, Associate Assistant Secretary for Regional Programs. This letter clarified and expanded the plan and all outstanding problem areas of the plan were resolved. The major issues are discussed below:

(a) Section 59-14-16(D) of the amended legislation provides for employer or employee contests within 15 days after citation. However, a notice of contest results in an informal hearing, after which another notice of contest must be filed (again within 15 days) to request a formal hearing. This procedure was considered to be confusing and likely to lead to lengthy delays. In response to this criticism, the State submitted language for proposed amending legislation which will remove the requirement for a mandatory informal hearing completely, and substitute language identical to section 10 of the Federal Act. The State, in the November 1, 1975 letter gave assurances that until such amendment is enacted, an interim procedure whereby any delays would be minimized will be invoked. This will include prompt institution of informal hearings, usually within five days, and other procedures.

b. *Training.* The State Plan and proposed budget appeared to provide a minimal training program for employers and employees. In addition, more information was deemed necessary concerning the State's plans for the training of its compliance officers.

The State in its letter of assurances has offered adequate information and clarification about the program's goals for the employer-employee education program by pointing out the program's authorization under the State Plan, demonstrating its funding under the Technical Services section of the proposed grant, and noting the allocation of three full-time personnel to the Technical Services Program. Resources have also been programmed for the necessary visual and audio aid equipment, other supplies necessary for the presentation of the courses, and various associated expenses such as travel, rent, and utilities.

The State has offered adequate assurance that appropriate funding will be sought on a continuing basis "to make not only basic but also advanced and refresher training available to the State's program staff." Certain technical training will be obtained from various courses offered by the Occupational Safety and Health Administration's Training Institute and by the National Institute for Occupational Safety and Health. Adequate funding for the travel of the State's compliance officers to the various training sites is provided in the proposed grant.

c. *Recordkeeping and reporting.* The Bureau of Labor Statistics (BLS) in its comments objected to the lack of assurances that the State would seek prior approval for any additional employer recordkeeping and reporting required by the State, that the State would amend its recordkeeping and reporting requirements to reflect any change in 29 CFR Part 1904, and that the State would require public employers to meet the same recordkeeping and reporting requirements as the private sector.

The State of New Mexico, in its letter of November 4, 1975, provided all assurances as requested above.

3. *Decision.* After careful consideration of the New Mexico Plan, the plan is hereby approved under section 18 of the Act and 29 CFR Part 1902.

The decision incorporates requirements of the Act and implementing regulations applicable to State plans generally. It also incorporates our intentions as to continued Federal enforcement of Federal standards in areas covered by the plan and the State's developmental schedule as set out below.

Pursuant to § 1902.20(b)(1)(iii), the present level of Federal enforcement will not be diminished until the State has been determined to be operational under the meaning of 29 CFR 1954.3. Thereafter, Federal enforcement activity will continue to be exercised to the degree necessary to assure occupational safety and health protection to employees in the State of New Mexico.

The New Mexico plan is developmental. The following are the highlights of the schedule of developmental steps provided by the plan:

(a) Development of a complete and operating management information and control system by January 1, 1976.

(b) Submission of the State's occupational safety and health poster for approval by January 31, 1976.

(c) Promulgation of rules of procedures for administrative review by the New Mexico Occupational Health and Safety Review Commission by January 31, 1976.

(d) Enforcement program to achieve operational status by December 1, 1976.

(e) Amendments to basic legislation to become effective by July 1, 1977.

(f) Public employee program to become operational by July 1, 1977.

Pursuant to section 18 of the Occupational Safety and Health Act (29 U.S.C. 667), Part 1952 is hereby amended by adding a new Subpart DD as follows:

Subpart DD—New Mexico

Sec.		
1952.360-----	Description of the plan	
1952.361-----	Where the plan may be inspected.	
1952.362-----	Level of Federal enforcement.	
1952.363-----	Developmental schedule.	

AUTHORITY: Sec. 16, Pub. L. 91-59, Stat. 1603 (29 U.S.C. 667).

Subpart DD—New Mexico

§ 1952.360 Description of the plan.

(a) (1) The plan identifies the New Mexico Environmental Improvement Agency, with its subordinate organization, the Occupational and Radiation Protection Division, as the State agency designated to administer the plan throughout the State. It adopts the definition of occupational safety and health issues expressed in § 1909.2(c)(1) of this chapter. The State has adopted the Federal Field Operations Manual and all the Federal standards except those found in 29 CFR Parts 1915, 1916, 1917, and 1918 (ship repairing, shipbuilding, shipbreaking, and longshoring). In addition, the Occupational and Radiation Protection Division will be enforcing State standards under the Radiation Protection Act (Chp. 284, Laws of 1971, 12-9-1 through 12-9-11, New Mexico Statutes Annotated). However, since this Act provides protection to the general public, in the event of conflict between Radiation Protection Act standards and occupational safety and health standards, employees will receive the protection provided under the more stringent regulation.

(2) The plan provides a description of personnel employed under a management system; the coverage of employees in various subdivisions; procedures for the development and promulgation of standards, including standards for the protection of employees against new and unforeseen hazards; and procedures for the prompt restraint of imminent danger situations.

(b) (1) The plan includes legislation enacted by the New Mexico Legislature during its 1975 legislative session amending Chp. 63, Laws of 1972, 59-14-1 through 59-14-23 of the New Mexico Statutes Annotated to bring them into conformity with the requirements of Part 1902 of this chapter. Under the legislation, the Environmental Improvement Agency will have full authority to enforce and administer laws respecting the safety and health of employees in all workplaces of the State.

(2) The legislation is intended, among other things, to assure inspections in response to employee complaints; give employer and employee representatives an opportunity to accompany inspectors in order to aid inspections; notify employees of their protections and obligations; protect employees against discharge or discrimination in terms and conditions of employment; provide adequate safeguards to protect trade secrets; impose sanctions against employers for violations of standards and orders; insure employer right of review to an Occupational Health and Safety Review

mission and then the courts, and employee participation in the review proceedings. The plan also proposes a program of voluntary compliance by employers and employees, including a provision for on-site consultation. The State's consultation program will not detract from its enforcement program and the State's consultation program will meet the conditions set forth in the Washington Decision (38 FR 2421, January 26, 1973).

(c) The New Mexico Plan includes the following documents as of the date of approval:

(1) The plan description documents, in one volume.

(2) A copy of the enabling legislation as amended by the State legislature in its 1975 session.

(3) A letter from Aaron Bond, Director of the New Mexico Environmental Improvement Agency, to Barry J. White, Associate Assistant Secretary for Regional Programs, dated November 4, 1975, submitting information, clarification, and revisions on several issues raised during the review process, including proposals to be submitted to the New Mexico Legislature prior to the close of its 1977 legislative session.

§ 1952.361 Where the plan may be inspected.

A copy of the plan may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, New Department of Labor Building, Room N3608, 200 Constitution Ave., N.W., Washington, D.C. 20210; The Technical Data Center, Occupational Safety and Health Administration, New Department of Labor Building, Room N3620, 200 Constitution Ave., N.W., Washington, D.C. 20210; Assistant Regional Director, Occupational Safety and Health Administration, 555 Griffin Square Building, Griffin and Young Streets, Dallas, Texas 75202; and the Director, Environmental Improvement Agency, State of New Mexico, P.O. Box 2348, PERA Building, Room 506, Santa Fe, New Mexico 87503.

§ 1954.362 Level of Federal enforcement.

Pursuant to § 1902.20(b) (1) (iii) of this chapter, the present level of Federal enforcement in New Mexico will not be diminished until the State has been determined to be operational under the meaning of 29 CFR 1954.3. Thereafter, the level of Federal enforcement will continue to be exercised to the degree necessary to assure occupational safety and health protection to employees in the State of New Mexico.

§ 1952.363 Developmental schedule.

The New Mexico State Plan is developmental. The following is the developmental schedule as provided by the plan:

(a) Development of a complete and operating management information and control system by January 1, 1976.

(b) Submission of the State's occupational safety and health poster for approval by January 31, 1976.

(c) Promulgation of Rules of Procedure for administrative review by the New Mexico Occupational Health and Safety Review Commission by January 31, 1976.

(d) Enforcement program to achieve operational status by December 1, 1976.

(e) Amendments to basic legislation to become effective by July 1, 1977.

(f) Public employee program to become operational by July 1, 1977.

Signed at Washington, D.C., this 4th day of December, 1975.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.75-33245 Filed 12-9-75;8:45 am]

CHAPTER XXVI—PENSION BENEFIT GUARANTY CORPORATION

PART 2602—DECLARATION AND PAYMENT OF PREMIUMS

Clarifications

On September 17, 1975, the Pension Benefit Guaranty Corporation (hereinafter "the PBGC") published in the FEDERAL REGISTER (40 FR 42876) a revision of Part 2602, Chapter XXVI, of Title 29, Code of Federal Regulations, which imposed the premiums to be paid for basic benefits guaranteed under § 4022 (a) of the Employee Retirement Income Security Act of 1974 (hereinafter "the Act"), for plan years beginning on or after September 2, 1975, and which prescribed a new premium payment declaration form (Form PBGC-1 (Rev. Aug. 1975)). Subsequently, a number of comments and questions were received by the PBGC which indicated the need to adopt certain technical amendments to this regulation. It, therefore, has been revised, as set forth below, to clarify the obligations imposed thereunder.

This regulation has been modified in a number of respects. Section 2602.2 has been revised to clarify the definition of "participant" for premium payment purposes. This definition incorporates within the regulation itself the definition of participant previously contained in the preamble to the regulation adopted on September 17, 1975, as well as previously stated interpretations of the term.

Section 2602.3 has been modified so as to specify in one place the filing requirements previously imposed separately by the Act, the premium regulation adopted by the PBGC on September 17, 1974 (39 FR 33357) and the form of this regulation as adopted by the PBGC on September 17, 1975. Section 2602.3 also has been revised to specifically reserve to the PBGC the right to reject incomplete filings.

Section 2602.7 has been amended to take into account the recent decrease by the Internal Revenue Service (hereinafter "the IRS") of the interest rate generally imposed under the Internal Revenue Code (hereinafter "the Code"). Section 4007(b) of the Act provides that the interest imposed for a failure to pay premiums when due is that imposed by the IRS under section 6601(a) of the Code.

Effective February 1, 1976, therefore, the interest imposed by § 2602.7 of this regulation will be at the rate of 7 percent per annum. Section 2602.7 also has been amended to provide that PBGC bills for interest will be deemed paid in full if paid no later than 30 days after the billing date.

Section 2602.9 of this regulation has been changed to permit the PBGC, on its own motion, to waive the imposition of late payment charges. Among other things, this change will permit the PBGC to treat late payment charges billed by the PBGC as paid in full if paid no later than 30 days after the billing date.

Finally, new §§ 2602.10 and 2602.11 have been added to clarify the date on which a premium filing will be considered to be due and the date on which a premium filing will be considered to be filed. The three day time period for determining the mailing date of mail not postmarked by the United States Postal Service will be applied by the PBGC only with respect to filings which are due and payments which are made after the date this regulation is published.

Because under the terms of this part, the premium declaration form and premium payments have been required to be submitted since October 2, 1975, the PBGC finds that there is a need to provide immediate, additional guidance to the public with respect to the requirements for filing the premium declaration form and the payment of premiums. Accordingly, the PBGC has determined that good cause exists for making this regulation effective less than 30 days after publication.

In consideration of the foregoing, Part 2602, Chapter XXVI of Title 29, Code of Federal Regulations, is revised (deletions are bracketed and additions are indicated by arrows) as set forth below, effective December 10, 1975.

Sec.	
2602.1	Purpose and scope.
2602.2	Definitions.
2602.3	Filing requirement.
2602.4	Coverage for guaranteed basic benefits.
2602.5	Premium rate.
2602.6	Forms.
2602.7	Late payment interest charges.
2602.8	Late payment penalty charges.
2602.9	Waivers.
▶2602.10	Date of filing.◀
▶2602.11	Computation of time.◀
2602.1[0]▶2◀	Mailing address.

[Authority: Sec. 4002, 4008, 4007; 88 Stat. 1004, 1010, 1013; (29 U.S.C. 1302, 1306, 1307)]

§ 2602.1 Purpose and scope.

(a) The purpose of this part is to impose the premiums applicable to plan years ▶in progress on and◀ beginning on or after September 2, 1975[5]▶4◀.

(b) This part applies to all covered plans, as provided by section 4021 of the

§ 2602.2 Definitions.

As used in this part: "Act" means the Employee Retirement Income Security Act of 1974. ;

"Participant" means [the individual defined as such under the terms of the