

presidential documents

Title 3—The President

Executive Order 11877

September 2, 1975

Amending Executive Order No. 11861,¹ as Amended, Placing Certain Positions in Levels IV and V of the Executive Schedule

By virtue of the authority vested in me by Section 5317 of Title 5 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

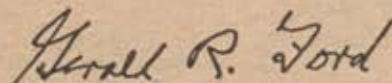
SECTION 1. Executive Order No. 11861 of May 21, 1975, as amended, is further amended:

(a) In Section 1 thereof, placing certain positions in level IV of the Executive Schedule, delete "(2) Director, National Institutes of Health, Department of Health, Education, and Welfare." and substitute therefor "(2) Administrator, Alcohol, Drug Abuse and Mental Health Administration, Department of Health, Education, and Welfare."

(b) In Section 1 thereof, placing certain positions in level IV of the Executive Schedule, delete "(13) Adviser to the Secretary (Counselor, Economic Policy Board), Department of the Treasury, to terminate effective August 1, 1975." and substitute therefor "(13) Adviser to the Secretary (Counselor, Economic Policy Board), Department of the Treasury."

(c) In Section 2 thereof, placing certain positions in level V of the Executive Schedule, delete "(7) Assistant to the Secretary and Director, Office of Revenue Sharing, Department of the Treasury."

SEC. 2. Executive Order No. 11864 of June 13, 1975, is hereby superseded.



THE WHITE HOUSE,
September 2, 1975.

[FR Doc.75-23666 Filed 9-2-75;4:25 pm]

¹ 40 FR 22531.

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 21—Food and Drugs

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

[Docket No. 75F-0168]

PART 121—FOOD ADDITIVES

Acrylonitrile/Butadiene/Styrene/Methyl Methacrylate Copolymer

The Commissioner of Food and Drugs is amending § 121.2627 (21 CFR 121.2627) to expand the use of acrylonitrile/butadiene/styrene/methyl methacrylate copolymer to include its use as an article or component of articles intended to contact all foods, except those containing alcohol, effective September 4, 1975.

Notice was given by publication in the FEDERAL REGISTER of March 27, 1975 (40 FR 13541), that a petition (FAP 5B3078) had been filed by Carr, Bonner, O'Connell, Kaplan, and Thompson, 900 Seventeenth St., NW., Washington, DC 20006, on behalf of Borg-Warner Corp., proposing that § 121.2627 Acrylonitrile/butadiene/styrene/methyl methacrylate be amended to provide for the use of this copolymer, currently restricted to low moisture fats and oils, to be expanded to include contact with all types of food, except that it would not be used in fabricating bottles intended to hold carbonated beverages or beer.

A proposal was published in the FEDERAL REGISTER of November 4, 1974, (39 FR 38907), which discussed a previously unknown migration problem of acrylonitrile monomer that may be common to many food-contact articles containing acrylonitrile copolymers, and the absence of toxicological data to establish a definitive "no-effect" level for acrylonitrile monomer. The proposal would define the prior sanctions for acrylonitrile copolymers under a new § 121.2010 (21 CFR 121.2010), and it would establish an interim food additive regulation, § 121.4010 (21 CFR 121.4010), for such copolymers to allow their continued use for a limited period of time while the questions raised are being resolved by further study. The proposed regulations include a tolerance of 0.3 part per million (ppm) as the maximum amount of acrylonitrile monomer that can migrate from the food-contact article, and it requires the submission of certain chemical and toxicological data.

The Commissioner, having evaluated the data in the food additive petition (FAP 5B3078) and other relevant material, concludes that the acrylonitrile/butadiene/styrene/methyl methacrylate copolymer described in the regulations will meet the 0.3 part per million (ppm) extractives limitation of the proposed interim regulation when used within the

restrictions set forth below. Upon adoption of the interim food additive regulation, this regulation will be amended to cross-reference the requirements of § 121.4010.

As no authority for use of this food additive as a container (bottle) for carbonated beverage or beer use is sought by the petitioner, such use is not authorized by this regulation. Therefore, the Commissioner concludes that this action will not significantly affect the quality of the human environment and that no environmental impact statement is necessary.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348, 371 (a))) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2627 is amended by revising the introductory text; amending paragraph (b) by revising the listing therein; and revising paragraphs (c) (1) and (d) (2), to read as follows:

§ 121.2627 Acrylonitrile/butadiene/methyl methacrylate copolymer.

Acrylonitrile/butadiene/styrene/methyl methacrylate copolymer identified in this section may be safely used as an article or component of articles intended for use with food identified in table 1 of § 121.2526(c) as type I, II, III, IVA, IVB, V, VIB, (except bottles intended to hold carbonated beverages), VIIA, VIIB, VIII and IX, under conditions of use C, D, E, F, and G described in table 2 of § 121.2526 (c) with a high temperature limitation of 190° F.

(b)

Substances	Limitations
2-Mercaptoethanol.	The finished copolymer shall contain not more than 800 ppm 2-mercaptoethanol-acrylonitrile adduct as determined by a method available upon request from the Commissioner of Food and Drugs.

(c) *Specifications.* (1) Nitrogen content of the copolymer is in the range of 13.0 to 16.0 percent as determined by Micro-Kjeldahl analysis.

(d)

(2) The finished food-contact article shall yield not more than 0.0025 milligram per square inch of acrylonitrile monomer when exposed to distilled water, 3 percent acetic acid and *n*-heptane at 190° F for 2 hours, cooled to 120° F (80 to 90 minutes) and maintained at 120° F for 10 days when ana-

lyzed by a polarographic method available upon request from the Food and Drug Administration, Bureau of Foods, Division of Food and Color Additives (HFF-330), 200 C St., SW., Washington, DC 20204.

Any person who will be adversely affected by the foregoing order may submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections and a request for hearing. Objections and requests for hearing will be accepted during regular business hours, Monday through Friday, from 9 a.m. to 4 p.m., except on Federal legal holidays, and shall be submitted on or before October 6, 1975.

Objections and requests for hearing should be submitted in quintuplicate and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections and requests for hearing may be seen in the office of the Hearing Clerk, Rockville, MD, during the above stated hours.

Effective date. This order shall become effective September 4, 1975.

(Secs. 201(s), 409, 701(a), 52 Stat. 1056, 72 Stat. 1784-1788 as amended (21 U.S.C. 321 (s) 348, 371(a)).)

Dated: August 28, 1975.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc. 75-23407 Filed 9-3-75; 8:45 am]

[Docket No. 75F-0168]

PART 121—FOOD ADDITIVES

Acrylonitrile/Butadiene/Styrene Copolymer

The Commissioner of Food and Drugs is amending the food additive regulations to provide for safe use of an acrylonitrile/butadiene/styrene copolymer as an article or component of articles intended to contact all foods except those containing alcohol, effective September 4, 1975.

Notice was given by publication in the FEDERAL REGISTER of November 29, 1974 (39 FR 41569) that a petition (FAP 5B3051) had been filed by Carr, Bonner, O'Connell, Kaplan, and Thompson, 900 Seventeenth St., NW., Washington, DC 20006, on behalf of Borg-Warner Corp., proposing that the food additive regulations (21 CFR Part 121) be amended to provide for safe use of an acrylonitrile/butadiene/styrene copolymer in contact with food other than carbonated beverages.

Notice was given by publication in the FEDERAL REGISTER of January 10, 1975 (40 FR 2247), that the filing notice of November 29, 1974 was being amended to provide for the above copolymer in the manufacture of bottles intended to hold carbonated beverages.

The amended notice of filing stated the intent of the Food and Drug Administration to issue an environmental impact statement for the agency's actions on substances used or intended for use in the fabrication of plastic bottles for carbonated beverages and beer use. The environmental impact analysis report submitted by the petitioner for the subject additive as a component of soft drink bottles was evaluated as part of this overall consideration of the environmental impact of all plastic bottles for carbonated beverages and beer use. Notice of availability of the draft environmental impact statement was published in the FEDERAL REGISTER of April 14, 1975 (40 FR 16708).

A proposal was published in the FEDERAL REGISTER of November 4, 1974 (39 FR 38907), which discussed a previously unknown migration problem of acrylonitrile monomer, which may be common to many food-contact articles containing acrylonitrile copolymers, and the absence of toxicological data to establish a definitive "no-effect" level for acrylonitrile monomer. The proposal would define the prior sanctions for acrylonitrile copolymers under a new § 121.2010 (21 CFR 121.2010), and it would establish an interim food additive regulation § 121.4010 (21 CFR 121.4010) for such copolymers to allow their continued use for a limited period of time while the questions raised are being resolved by further study. The proposed regulations include a tolerance of 0.3 part per million (ppm) as the maximum amount of acrylonitrile monomer migration from the food-contact article, and require submission of certain chemical and toxicological data.

The proposed interim regulation described above is intended to apply to all food additive uses of acrylonitrile copolymers. The Commissioner having evaluated the data in the food additive petition (PAP 5B3051) and other relevant material, concludes that the acrylonitrile/butadiene/styrene copolymers described in the regulation will meet the 0.3 ppm extractives limitation of the proposed interim regulation when used within the restrictions set forth below. Upon adoption of the interim food additive regulation, this regulation will be amended to cross-reference the requirements of § 121.4010.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding to Subpart F the following new section, to read as follows:

§ 121.2633 Acrylonitrile/butadiene/styrene copolymer.

Acrylonitrile/butadiene/styrene copolymer identified in this section may be

safely used as an article or component of articles intended for use with all foods, except those containing alcohol, under conditions of use E, F, and G described in table 2 of § 121.2526(c).

(a) *Identity.* For the purpose of this section, the acrylonitrile/butadiene/styrene copolymer consists of:

(1) Eighty-four to eighty-nine parts by weight of a matrix polymer containing 73 to 78 parts by weight of acrylonitrile and 22 to 27 parts by weight of styrene; and

(2) Eleven to sixteen parts by weight of a grafted rubber consisting of (i) 8 to 13 parts of butadiene/styrene elastomer containing 72 to 77 parts by weight of butadiene and 23 to 28 parts by weight of styrene and (ii) 3 to 8 parts by weight of a graft polymer having the same composition range as the matrix polymer.

(b) *Adjuvants.* The copolymer identified in paragraph (a) of this section may contain adjuvant substances required in its production. Such adjuvants may include substances generally recognized as safe in food, substances used in accordance with prior sanction, substances permitted in this part, and the following:

Substance	Limitations
2-Mercaptoethanol.	The finished copolymer shall contain not more than 100 ppm 2-mercaptoethanol-acrylonitrile adduct as determined by a method available upon request from the Commissioner of Food and Drugs.

(c) *Specifications.* (1) Nitrogen content of the copolymer is in the range of 16 to 18.5 percent as determined by Micro-Kjeldahl analysis.

(2) Residual acrylonitrile monomer content of the finished copolymer articles is not more than 11 parts per million as determined by a gas chromatographic method, available upon request from the Commissioner of Food and Drugs.

(d) *Extractive limitations.* (1) Total nonvolatile extractives not to exceed 0.0005 milligram per square inch surface area when the finished food contact article is exposed to distilled water, 3 percent acetic acid, or *n*-heptane for 8 days at 120° F.

(2) The finished food-contact article shall yield not more than 0.0015 milligram per square inch of acrylonitrile monomer when exposed to distilled water and 3 percent acetic acid at 150° F for 15 days when analyzed by a polarographic method, available upon request from the Division of Food and Color Additives, HFP-330, 200 C St., SW., Washington, DC 20204.

Any person who will be adversely affected by the foregoing order may submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections and a request for hearing. Objections and requests for hearing will be accepted during regular business hours, Monday through Friday, from 9 a.m. to 4 p.m., except on Federal legal holidays, and shall be submitted on or before October 6, 1975.

Objections and requests for hearing should be submitted in quintuplicate and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections and requests for hearing may be seen in the office of the Hearing Clerk, Rockville, MD, during the above stated hours.

Effective date. This order shall become effective September 4, 1975.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 (21 U.S.C. 321(s), 348, 371(a)).)

Dated: August 28, 1975.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc. 75-23405 Filed 9-3-75; 8:45 am]

[Docket No. 75N-0103]

PART 1010—PERFORMANCE STANDARDS FOR ELECTRONIC PRODUCTS: GENERAL

PART 1040—PERFORMANCE STANDARDS FOR LIGHT-EMITTING PRODUCTS

Performance Standard for Laser Products

Correction

In FR Doc. 75-17892 appearing at page 32252 in the issue for Thursday, July 31, 1975, on page 32263, the left column below the figure, the ninth line which reads "or equal to 2.5×10^{-2} W/cm² and with" should read "or equal to 2.5×10^{-2} W cm⁻² and with".

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 570—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

Employment of Minors Between 14 and 16 Years of Age in Work Experience and Career Exploration Programs

Pursuant to authority in Section 3(1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 203) and Reorganization Plan No. 2 of 1946 (3 CFR 1943-48 Comp., p. 1064), § 570.35a of Title 29 of the Code of Federal Regulations is revised as set forth below. This revision continues indefinitely on a permanent basis the Work Experience and Career Exploration Programs which have been conducted on an experimental basis since 1969. This regulation varies some provisions of Child Labor Regulation No. 3, 29 CFR 579.31, *et seq.*, for the employment of minors between 14 and 16 years of age enrolled in and employed pursuant to school-supervised and school-administered work experience and career exploration programs.

A notice of proposal to amend § 570.35a of Title 29 of the Code of Federal Regulations to provide for such programs on a permanent basis was published in the FEDERAL REGISTER (40 FR 24215) on June 5, 1975. A period of 30 days was provided for comment by interested parties to be received on or before July 7, 1975. This period was extended to July 22, 1975 (40