[Docket No. E-8798]

WESTERN MASSACHUSETTS ELECTRIC CO.

Report of Refunds

NOVEMBER 26, 1975.

Take notice that on November 17, 1975 Western Massachusetts Electric Company filed a report of refunds made pursuant to the settlement agreement approved by the Commission in the above-referenced docket.

Any person desiring to be heard or to protest said filing should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before December 5, 1975. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32678 Filed 12-3-75;8:45 am]

[Docket Nos. E-9420, E-9421]

YANKEE ATOMIC ELECTRIC POWER COMPANY AND PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Further Extension of Procedural Dates

NOVEMBER 26, 1975.

On November 17, 1975, Yankee Atomic Power Company (Yankee) filed a motion to extend the procedural dates fixed by order issued June 12, 1975, as most recently modified by notice issued September 17, 1975, in the above-designated proceeding. On November 20, 1975, Yankee amended its motion.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Company Rebuttal, December 12, 1975.
Hearing, January 13, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32691 Filed 12-3-75;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

MEETING; AMENDMENT

Notice is hereby given, pursuant to Pub. L. 92-463, that the meeting of the National Advisory Council on the Education of Disadvantaged Children scheduled to be held on December 12-13, 1975, has been changed from a full Council meeting to an Executive Committee meeting. The meeting on December 12 will be held from 1:00 p.m.-5:30 p.m., and will reconvene from 7:00-9:00 p.m. The meeting on December 13 will be from 9:00 a.m.-12:00 noon.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

Signed at Washington, D.C., on December 1, 1975.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.75-32737 Filed 12-3-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-3, 50-247, 50-286]

CONSOLIDATED EDISON CO. OF NEW YORK, INC. (INDIAN POINT, UNIT NOS. 1, 2 & 3)

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and and Licensing Appeal Board for this proceeding to consist of the following members:

Michael C. Farrar, Chairman, Dr. John H. Buck, Member, Dr. Lawrence R. Quarles, Member

Dated: November 28, 1975.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.75-32703 Filed 12-3-75;8:45 am]

[Docket No. 50-333]

JAMES A. FITZPATRICK NUCLEAR POWER PLANT

Negative Declaration Regarding Proposed Changes Technical Specifications of License DPR-59

The Nuclear Regulatory Commission (the Commission) has considered the issuance of a change to the Technical Specifications of Facility Operating License No. DPR-59. This change would authorize the Power Authority of the State of New York and the Niagara Mohawk Power Corporation (the licensee) to operate the James A. Fitzpatrick Nuclear Power Plant (located in Oswego County, New York) with an increased maximum temperature across the main condenser during normal plant operation until midnight, December 31, 1975.

The U.S. Nuclear Regulatory Commission, Division of Reactor Licensing, has prepared an environmental impact appraisal for the proposed change to the Technical Specifications of License No. DPR-59, James A. Fitzpatrick Nuclear Power Plant, described above. On the basis of this appraisal the Commission has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the proposed action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the James A. Fitzpatrick Nuclear Power Plant, published in March 1973.

The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Oswego City Library, 120 East Second Street, Oswego, New York.

Dated at Rockville, Md., this 25th day of November 1975.

For the Nuclear Regulatory Commission.

WM. H. REGAN, Jr.,
Chief, Environmental Projects Branch 4, Division of Reactor Licensing.

[FR Doc.75-32707 Filed 12-3-75;8:45 am]

[Docket No. 50-482A]

KANSAS GAS AND ELECTRIC CO. AND KANSAS CITY POWER AND LIGHT CO. (WOLF CREEK GENERATING STATION, UNIT NO. 1)

Antitrust Hearing and Prehearing Conference

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), the regulations in Title 10, Code of Federal Regulations, Part 50, and Part 2, the notice published in the FEDERAL REGISTER of December 23, 1974 (39 FR 44269) by the Atomic Energy Commission, as statutory predecessor of the Nuclear Regulatory Commission, and the order dated November 25, 1975, granting the petition of Kansas Electric Cooperatives, Inc. for leave to intervene in this proceeding and directing a hearing to determine whether the activities under the proposed construction permit would create or maintain a situation inconsistent with the antitrust laws as provided in subsection 105(c) of the Atomic Energy Act of 1954, 42 U.S.C. 2135(c), a hearing will be held at a time and place to be designated by the licensing board. The members of the board designated by the Chairman of the Atomic Safety and Licensing Board Panel are Margaret M. Laurence, Andrew C. Goodhope and Marshall E. Miller, Chairman.

The application, and a letter of the Attorney General dated December 10, 1974, have been placed in the Public Document Room of the Nuclear Regulatory Commission at 1717 H Street, NW., Washington, D.C. As they become available, the transcripts of the prehearing conference and of the hearing will also be placed in the Public Document Room and will be available for inspection by members of the public. Copies of the foregoing documents will also be available at Office of County Clerk, c/o Miss Joan Cox, Coffey County Courthouse, Burlington, Kansas 66839.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position or the issue specified, but who has not filed a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the board, within such limits and on such conditions as may be fixed by the board. Persons desiring to

make a limited appearance are requested to inform the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, not later than January 5, 1976. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing. A member of the public does not have the right to participate in the proceeding unless he has been granted the right to intervene as a party or the right of limited appearance.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Supervisor, Docketing and Service Section, 1717 H Street, N.W., Washington, D.C. Pending further order of the board, parties are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's rules of practice, an original and twenty (20) conformed copies of each such paper with the Commission.

Notice is also hereby given that a Prehearing Conference to consider this matter will be held on December 31, 1975 at 9:00 a.m. at the Nuclear Regulatory Commission Hearing Room, 5th Floor, East West Towers, 4350 East-West Highway, Bethesda, Maryland to consider factors set forth in Title 10 CFR 2.751 (a) of the Commission's rules of practice, and, in particular, the identification and specification of contentions and key issues in the proceeding. Counsel for the parties are requested and directed to hold informal conferences, including telephone conferences, and to report to the board regarding the simplification and clarification of issues, stipulations and admissions of fact, and a proposed schedule for discovery and further actions in the proceeding.

Issued at Bethesda, Md., this 26th day of November 1975.

ATOMIC SAFETY AND LICENSING BOARD,
MARSHALL E. MILLER,
Chairman.

[FR Doc.75-32704 Filed 12-3-75;8:45 am]

[Docket No. PRM-30-52]

McDONNELL DOUGLAS ASTRONAUTICS CO.

Withdrawal of Petition for Rule Making

Notice is hereby given that the Nuclear Regulatory Commission has received a letter from the McDonnell Douglas Astronautics Company withdrawing its petition for rulemaking PRM-30-52.

The McDonnell Douglas Astronautics Company petitioned the Atomic Energy Commission to amend 10 CFR 35.31 General License for Medical Use of Certain Quantities of Byproduct Material, to include promethium-147 in prosthetic devices such as nuclear batteries for cardiac pacemakers and other clinical devices. By letter dated November 3, 1975, the petitioner has with drawn its petition for rulemaking from further consideration by the Nuclear Regulatory Commission.

Copies of the petition and the letter withdrawing the petition are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C., this 28th day of November 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75-32705 Filed 12-3-75;8:45 am]

[Docket No. 50-333]

POWER AUTHORITY OF THE STATE OF NEW YORK NIAGARA MOHAWK POWER CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 5 to Facility Operating License No. DPR-59 issued to the Power Authority of the State of New York and the Niagara Mohawk Power Corporation which revised Appendix B, Environmental Technical Specifications for operation of the James A. Fitzpatrick Nuclear Power Plant, located in Oswego County, New York. The amendment is effective as of its date of issuance and will remain in effect until 12:00 midnight, December 31, 1975.

The amendment relates to an increase in the maximum ΔT across the main condenser during normal plant operation from 32.4° F to 34.5° F.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated November 12, 1975, (2) Amendment No. 5 to License No. DPR-59 with Change No. 5, and (3) the Commission's related Negative Declaration with supporting Environmental Impact Appraisal, issued concurrently with this notice. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Oswego City Library, 120 East Second Street, Oswego, New York.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Rockville, Md., this 25th day of November 1975.

For the Nuclear Regulatory Commission.

GEORGE W. KREIGHTON,
Acting Assistant Director for Environmental Projects, Division of Reactor Licensing.

[FR Doc.75-32706 Filed 12-3-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

IMPLEMENTATION OF THE PRIVACY ACT OF 1974

Supplementary Guidance

NOVEMBER 21, 1975.

This material is provided to address comments and questions of general interest raised since the release of the Office of Management and Budget's guidelines for implementing section 3 of the Privacy Act of 1974. (FEDERAL REGISTER, Volume 40, Number 132, dated July 9, 1975, pp. 28949-28978.)

Additional supplements will be issued as necessary.

JAMES T. LYNN,
Director.

1. *Definition of System of Records* (5 U.S.C. 552a(a)(5)). On page 28952, third column, after line 27, add:

"Following are several examples of the use of the term 'system of records':

"Telephone directories. Agency telephone directories are typically derived from files (e.g., locator cards) which are, themselves, systems of records. For example, agency personnel records may be used to produce a telephone directory which is distributed to personnel of the agency and may be made available to the public pursuant to 5 U.S.C. 552a(b) (1) and (2), (intra-agency and public disclosure, respectively). In this case the directory could be a disclosure from the system of records and, thus, would not be a separate system. On the other hand, a separate directory system would be a system of records if it contains personal information. A telephone directory, in this context, is a list of names, titles, addresses, telephone numbers, and organizational designations. An agency should not utilize this distinction to avoid the requirements of the Act including the requirement to report the existence of systems of records which it maintains.

"Mailing lists. Whether or not a mailing list is a system of records depends on whether the agency keeps the list as a separate system. Mailing lists derived from records compiled for other purposes (e.g., licensing) could be considered disclosures from that system and would not be systems of records. If the system from which the list is produced is a system of records, the decision on the disclosability of the list would have to be made in terms of subsection (b) (conditions of disclosure) and subsection (n) (the sale or rental of mailing lists). A mailing list may, in some instances, be a stand-alone system (e.g., subscription lists) and could

be a system of records subject to the Act if the list is maintained separately by the agency, it consists of records (i.e., contains personal information), and information is retrieved by reference to name or some other identifying particular.

"Libraries. Standard bibliographic materials maintained in agency libraries such as library indexes, Who's Who volumes and similar materials are not considered to be systems of records. This is *not* to suggest that all published material is, by virtue of that fact, not subject to the Act. Collections of newspaper clippings or other published matter about an individual maintained other than in a conventional reference library would normally be a system of records."

2. *Routine Uses—Intra-agency disclosures* (5 U.S.C. 552a(a)(7))

On page 28953, first column, after line 17, add:

"Intra-agency transfer need not be considered routine uses. Earlier versions of House privacy bills, from which the routine use concept derives, permitted agencies to disclose records within the agency to personnel who had a need for such access in the course of their official duties thus permitting intra-agency disclosure without the consent of the individual. The concept of routine use was developed to permit other than intra-agency disclosures after it became apparent that a substantial unnecessary workload would result from having to seek the consent of the subject of a record each time a transfer was made for a purpose '. . . compatible with the purpose for which [the record] was collected' (5 U.S.C. 552a(a)(7)). To deter promiscuous use of this concept, a further provision was added requiring that routine uses be subject to public notice. (5 U.S.C. 552a(e)(11).) It is our view that the concept of routine use was devised to cover disclosures other than those to officers or employees who have a need to for the record in the performance of their official duties within the agency.

"It is not necessary, therefore, to include intra-agency transfers in the portion of the system notice covering routine uses (5 U.S.C. 552a(e)(4)(D)) but agencies may, at their option, elect to do so. The portion of the system notice covering storage, retrievability, access controls, retention and disposal (5 U.S.C. 552a(e)(4)(E)) should describe the categories of agency officials who have access to the system."

3. *Consent for access in response to congressional inquiries* (5 U.S.C. 552a(b)(9))

On page 28955, third column, after line 18, add:

To assure that implementation of the Act does not have the unintended effect of denying individuals the benefit of congressional assistance which they request, it is recommended that each agency establish the following as a routine use for all of its systems, consistent with subsections (a)(7) and (e)(11) of the Act:

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

The operation of this routine use will obviate the need for the written consent of the individual in every case where an individual requests assistance of the Member which would entail a disclosure of information pertaining to the individual.

In those cases where the congressional inquiry indicates that the request is being made on behalf of a person other than the individual whose record is to be disclosed, the agency should advise the congressional office that the written consent of the subject of the record is required. The agency should not contact the subject unless the congressional office requests it to do so.

In addition to the routine use, agencies can, of course, respond to many congressional requests for assistance on behalf of individuals without disclosing personal information which would fall within the Privacy Act, e.g., a congressional inquiry concerning a missing Social Security check can be answered by the agency by stating the reason for the delay.

Personal information can be disclosed in response to a congressional inquiry without written consent or operation of a routine use—

If the information would be required to be disclosed under the Freedom of Information Act (Subsection (b)(2));

If the Member requests that the response go directly to the individual to whom the record pertains;

In "compelling circumstances affecting the health or safety of an individual * * *" (Subsection (b)(8)); or

To either House of Congress, or to the extent of matter within its jurisdiction, any committee or subcommittee thereof * * *" (Subsection (b)(9)).

The routine use recommended above and disclosures thereunder are, of course, subject to the 30 day prior notice requirement of the Act (Subsection (e)(11)). In the interim, however, it should be possible to respond to most inquiries by using the provisions cited in the previous paragraph. Furthermore, when the congressional inquiry indicates that the request is being made on the basis of a written request from the individual to whom the record pertains, consent can be inferred even if the constituent letter is not provided to the agency.

"This standard for implied consent does not apply to other than congressional inquiries."

4. *Describing the purpose in the accounting of disclosures* (Subsection (c)(1))

On page 28956, first column, after line 42, add:

"Agencies which submit inquiries to other agencies in connection with law enforcement or pre-employment investigations (e.g., record checks) are reminded to include the purpose in their record check in order to preclude having record checks returned to them to ascertain the purpose of the check. It is noted that this is necessary whether the inquiry is made pursuant to the subsection (b)(3) or (b)(7) ('routine use' or law enforcement disclosures). At a minimum, the inquiring agency must describe the purpose as either a background or law enforcement check."

5. *Agency procedures for review of appeals of denials of requests to amend a record* (Subsection (d)(3))

On page 28959, second column, after line 39, add:

"This does *not* mean that the officer on appeal must be a justice or judge. Rather, the reviewing official designated by the agency head may be a justice or judge (unlikely in this case) or any other agency official who meets the criteria in 5 U.S.C. 2104a (1), (2), and (3)."

6. *Correcting records released to an individual* (Subsection (e)(6))

On page 28965, second column, after line 6, add:

"While this language requires that agencies make reasonable efforts to assure the accuracy of a record before it is disclosed, when an individual requests access to his or her record, pursuant to subsection (d)(1), above, the record must be disclosed without change or deletion except as permitted by subsections (j) and (k), exemptions. To avoid requiring individuals to file unnecessary requests for amendment, however, the agency should review the record and annotate any material disclosed to indicate that which it intends to amend or delete."

7. *Rights of parents and legal guardians* (Subsection (h))

On page 28970, second column, after line 59, add:

"This is not intended to suggest that minors are precluded from exercising rights on their own behalf. Except as otherwise provided in the Act (e.g., general or specific exemptions) a minor does have the right to access a record pertaining to him or herself. There is no absolute right of a parent to have access to a record about a child absent a court order or consent."

8. *Relationships to the Freedom of Information Act* (Subsection (q))

On page 28978, third column, after the last line, add:

"In some instances under the Privacy Act an agency may (1) exempt a system of records (or a portion thereof) from access by individuals in accordance with the general or specific exemptions (subsection (j) or (k)); or (2) deny a request for access to records compiled in reasonable anticipation of a civil action or proceeding or archival records (subsection (d)(5) or (1)). In a few instances the exemption from disclosure under the Privacy Act may be interpreted to be broader than the Freedom of Information Act (5 U.S.C. 552). In such instances the Privacy Act should not be used to deny access to information about an individual which would otherwise have been *required* to be disclosed to that individual under the Freedom of Information Act.

"Whether a request by an individual for access to his or her record is to be

processed under Privacy Act or Freedom of Information Act procedures involves several considerations. For example, while agencies have been encouraged to reply to requests for access under the Privacy Act within ten days wherever practicable, consistent with the Freedom of Information Act (FOIA), the Privacy Act does not establish time limits for responding to requests for access. (See discussion of subsection (d)(1).) The Privacy Act also does not require an administrative appeal on denial of access comparable to that under FOIA although agencies are encouraged to permit individuals to request an administrative review of initial denials of access to avoid, where possible, the need for unnecessary judicial action. It can also be argued that requests filed under the Privacy Act can be expected to be specific as to the system of records to which access is sought whereas agencies are required to respond to an FOIA request only if it 'reasonably describes' the records sought. Further, the Freedom of Information Act permits charging of fees for search as well as the making of copies while the Privacy Act permits charging only for the direct cost of making a copy upon request.

"It is our view that agencies should treat requests by individuals for information pertaining to themselves which specify either the FOIA or the Privacy Act (but not both) under the procedures established pursuant to the Act specified in the request. When the request specifies, and may be processed under, both the FOIA and the Privacy Act, or specifies neither Act, Privacy Act procedures should be employed. The individual should be advised, however, that the agency has elected to use Privacy Act procedures, of the existence and the general effect of the Freedom of Information Act, and of the differences, if any, between the agency's procedures under the two Acts (e.g., fees, time limits, access and appeals.

"The net effect of this approach should be to assure the individuals do not, as a consequence of the Privacy Act, have less access to information pertaining to themselves than they had prior to its enactment."

[FR Doc.75-32297 Filed 12-3-75;8:45 am]

OFFICE OF SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

[Doc. No. 301-5]

GREAT WESTERN MALTING CO.

Complaint; Correction

FR Doc. 75-31395 appearing at page 54311 in the FEDERAL REGISTER for Friday, November 21, 1975 is corrected as follows: Line 12 from the top of the center column on page 54312 should read "is estimated to be at least $4,000,000, an—"

MORTON POMERANZ,
Chairman, Section 301 Committee, Office of Special Representative for Trade Negotiations.

[FR Doc.75-32639 Filed 12-3-75;8:45 am]

DEPARTMENT OF LABOR

Office of the Assistant Secretary of Labor for Employment Standards

[Employment Standards Order No. 2-75]

ASSISTANT SECRETARY FOR EMPLOYMENT STANDARDS

Redelegation of Authority and Reassignment of Responsibility Assigned

1. *Purpose.* This Order redelegates authority and reassigns responsibility (a) within the Office of the Assistant Secretary; and to (b) the Wage-Hour Administrator; (c) the Director of the Women's Bureau; (d) the Director of the Office of Workers' Compensation Programs; (e) the Director of the Office of Federal Contract Compliance Programs.

2. *Background.* A. Secretary's Order No. 16-75 and 27-72 delegated authority and assigned responsibility for certain functions to the Assistant Secretary for Employment Standards with the authority to redelegate.

B. Secretary's Order No. 18-67, 32 FR 12979, formerly identified as General Order No. 46 (Revised), delegated and assigned to the Director of the Bureau of Employees' Compensation authority and responsibility for performance of the functions of the Secretary of Labor under the Federal Employees' Compensation Act, 5 U.S.C. 8101 et seq., as amended and extended (except 8149 as it applied to the Employees' Compensation Appeals Board), and under the Longshoremen's and Harbor Workers' Compensation Act, 33 U.S.C. 901 et seq., as amended and extended, to be performed under the general direction and control of the Assistant Secretary for Labor-Management Relations. The overall responsibility for the authority delegated to the Director of the Bureau by Secretary's Order No. 18-67 was subsequently assigned successively to the Assistant Secretary for Wage and Labor Standards (see United States Government Organization Manual, 1970/1971, p. 320) and to the Assistant Secretary for Workplace Standards (Secretary's Order No. 19-70, 36 FR 304) without change in the operational responsibilities of the Bureau of Employees Compensation (Workplace Standards Administration, Description of Organization, 36 FR 307).

C. Secretary of Labor's Order 13-71, 36 FR 8755, established the Employment Standards Administration to perform the functions of the Department with respect to employment standards program. The Assistant Secretary for Employment Standards was therein delegated the authority and assigned responsibility for carrying out such programs. That Order further provided that the Employment Standards Administration was to be headed by a Deputy Assistant Secretary/Administrator who was to report to the Assistant Secretary for Employment Standards and was to act for the Assistant Secretary in his absence. Among the employment standards programs for which the responsibility was thus delegated were:

1. The Federal Employees' Compensation Act, as amended and extended (5 U.S.C. 8101 et seq., except 8149 as it applied to the Employees' Compensation Appeals Board).

2. The Longshoremen's and Harbor Workers' Compensation Act, as amended and extended.

3. Part C of Title IV (Black Lung Benefits) of the Federal Coal Mine Health and Safety Act of 1969.

D. Secretary of Labor's Order 15-71, 36 FR 8755, set forth in detail the redelegation of authority to the Deputy Assistant Secretary for Employment Standards Administration.

E. Secretary of Labor's Order 38-72, 38 FR 90, made provisions for the Benefits Review Board established by Pub. L. 92-576, 86 Stat. 1251, as a quasi-judicial body of the first appeal under the Longshoremen's and Harbor Workers' Act, as amended, 33 U.S.C. 901 et seq.; the Defense Base Act, 42 U.S.C. 1651 et seq.; the District of Columbia Workmen's Compensation Act, 36 D.C. Code 501 et seq.; the Outer Continental Shelf Lands Act, 10 U.S.C. 1721; the Nonappropriated Fund Instrumentalities Act, 5 U.S.C. 1871 et seq.; and Title IV, section 415 and Part C, of the Federal Coal Mine Health and Safety Act of 1969, as amended, by the Black Lung Benefits Act of 1972, 30 U.S.C. 901 et seq.

F. Secretary of Labor's Order 16-73, 38 FR 19130, delegated authority to the Assistant Secretary for Employment Standards for the performance of the functions assigned to the Secretary of Labor pursuant to Parts B and C of Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended, with the exception of the functions vested with the Benefits Review Board by Secretary of Labor's Order 38-72.

G. Employment Standards Order 2-74 redelegated to the Director, Office of Workers' Compensation Programs, the authority and reassigned the responsibility vested in the Assistant Secretary for Employment Standards regarding workers' compensation programs and the performance of functions assigned to the Assistant Secretary pursuant to Title IV, Section 415 and Part C, of the Federal Coal Mine Health and Safety Act of 1969, as amended.

H. Secretary of Labor's Order dated September 23, 1974 (39 FR 34723) revoked his prior Order 18-67, and the last sentence of paragraph 3 of Secretary's Order 13-71.

I. Secretary's Order 16-75 cancelled and replaced Secretary's Order 13-71 and incorporated the delegation contained in the Secretary's Order 16-73 and cancelled that Order.

3. *Redelegation of authority and reassignment of responsibility.* The authority and responsibility delegated and assigned by the Secretary of Labor to the Assistant Secretary for Employment Standards for carrying out Employment Standards programs and activities is redelegated and reassigned, except as hereinafter provided, as follows:

A. The Office of the Assistant Secretary of Employment Standards.