regulatory environments.[4] Therefore, in order to provide for a thorough consideration by the Commission and by the public of questions related to the applicability of the Advisers Act of brokers and dealers, the Commission has determined to exempt temporarily certainly brokers and dealers from the provisions of the Advisers Act for a period extending from May 1, 1975, to August 31, 1975. That period should be sufficient to allow such brokers and dealers to develop and test new pricing practices after May 1, 1975, without need to comply with the Advisers Act, and to become familiar with the provisions of that Act and interpretations thereunder and to consider their possible interaction with brokerage practices. The Commission welcomes suggestions for further action.[5]

The Commission does not believe that the temporary exemptive rule being adopted is necessary or appropriate with respect to broker-dealers who are already registered under the Advisers Act, since no adjustment period would be needed by those already subject to that Act; nor will the rule be applicable to any broker-dealer who is an investment adviser to an investment company registered or required to be registered under the Investment Company Act of 1940 [15 U.S.C. 80a–1 et seq.]. Similarly, any person who becomes registered as a broker-dealer after May 1, 1975 (except as a successor pursuant to Rule 15b1–3 [17 CFR 240.15b1–3] under the Exchange Act) should be able to comply at the same time with all applicable requirements of both the Exchange Act and Advisers Act without undue difficulty.[6]

Of course, the exemption would terminate prior to August 31, 1975, as to any person who chooses to effect voluntary registration under the Advisers Act as an investment adviser.

Broker-dealers entitled to the temporary exemption afforded by Rule 206A–1(T) would not be subject to the antifraud provisions of the Advisers Act and the rules thereunder. Nevertheless, notwithstanding the temporary exemption, as a result of a broker-dealer's providing investment advisory services to a customer, there may arise a relationship of special trust and confidence which, under applicable law, would impose upon the broker-dealer the high standards inherent in a fiduciary relationship.[7]

The text of Rule 206A–1(T) [Sec. 275.-206A–1(T)] is as follows:

Sec. 275.206A–1(T), Temporary Exemption for Certain Broker-Dealer/Investment Advisers.

Any person who is registered as a broker or dealer pursuant to Section 15 of the Securities Exchange Act of 1934 on May 1, 1975, and is not then registered as an investment adviser pursuant to section 203 of the Investment Advisers Act of 1940 (or any successor, within the meaning of Rule 15b1–3 under the Securities Exchange Act of 1934, to such broker or dealer) shall be temporarily exempt from the provisions of the Act and the rules and regulations thereunder until August 31, 1975; *Provided, however*, That this exemption shall not be applicable to any such person (a) whose broker-dealer registration is withdrawn, suspended, cancelled or revoked, or (b) who acts as an investment adviser, as defined in section 2(a)(20) of the Investment Company Act of 1940, to any investment company registered or required to be registered under that Act.

The Commission finds that the adoption of Rule 206A–1(T) is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Advisers Act since it will provide an exemption from a statutory requirement for a class of persons registered under and subject to the provisions of the Exchange Act. The Commission further finds, in accordance with the requirements of the Administrative Procedure Act,[8] that notice of Rule 206A–1(T) prior to its adoption and public procedure thereon are impracticable and unnecessary and publication for 30 days prior to its effective date may be omitted, since the rule grants an exemption from statutory requirements which otherwise would be applicable and since it is in the public interest to facilitate the transition to competitive public commission rates on May 1, 1975, pursuant to Rule 19b–3 under the Exchange Act. Accordingly, Rule 206A–1(T) shall become effective on May 1, 1975.

Any communications and suggestions to the Commission concerning the performance of advisory services by broker-dealers should be directed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. All communications should refer to File No. S7–560, and will be available for public inspection.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

APRIL 23, 1975.

[FR Doc.75–11205 Filed 4–25–75;8:45 am]

[4] For example, if a broker-dealer determines to charge separately for investment advice on or shortly after May 1, 1975, the time required for the preparation and filing of Form ADV (the application for registration as an investment adviser), as well as the thirty day period which must elapse, in the absence of acceleration, before registration becomes effective, might impede prompt implementation of the broker-dealer's decision. Similarly, a reasonable period may be necessary to permit the broker-dealer to institute internal procedures to facilitate compliance with those recordkeeping and other regulatory requirements under the Advisers Act which are different from those imposed by the Exchange Act.

[5] The Commission pointed out in Securities Exchange Act Release No. 11203 (Jan. 23, 1975), at page 42, that as a result of implementing Rule 19b–3 under the Exchange Act, "Questions relating to the definition of investment adviser under the Investment Advisers Act of 1940 may require analysis based on experience with competitive commission rates."

[6] The Commission also has proposed Rule 206(3)–1 [17 CFR 275.206(3)–1] (Investment Advisers Act Release No. 448 (Mar. 31, 1975) [40 FR 14782 (Apr. 2, 1975)]) which would exempt under certain circumstances dually registered investment advisers/broker-dealers from Section 206(3) with respect to publicly distributed written materials, publicly made oral statements, or responses to specific requests for statistical information where no opinions or estimates are given. The adoption of Rule 206A–1(T) does not affect the Commission's consideration of proposed Rule 206(3)–1. The proposed rule would apply to investment adviser/broker-dealers who will not qualify for the temporary exemption under Rule 206A–1(T). It also would continue to apply after the temporary exemption expires.

[7] *See, e.g., Chasins v. Smith, Barney & Co., Inc.*, 438 F. 2d 1167 (2d Cir. 1971); *In the Matter of Arleen W. Hughes*, 27 S.E.C. 629 (1948), *aff'd sub nom. Hughes v. S.E.C.*, 174 F. 2d 969 (D.C. Cir. 1949); *Cant v. A. G. Becker & Co., Inc.*, 374 F. Supp. 36 (N.D. Ill. 1974).

[8] 5 U.S.C. 551 et seq. (1970).

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 25—DRESSINGS FOR FOOD

French Dressing Standard of Identity; Optional Use of Colorants and Declaration of Optional Ingredients; Confirmation, Extension of Effective Date

The Food and Drug Administration issued an order, published in the FEDERAL REGISTER of November 8, 1974 (39 FR 39554) amending the standard of identity for french dressing (21 CFR 25.2) to allow optional use of any safe and suitable color additive(s) which will impart the traditionally expected color to the dressing. On the initiative of the Commissioner of Food and Drugs, the order also included a provision that all optional ingredients must be declared by their common or usual name on the label, thereby providing consumers with more complete knowledge of what the food contains.

In this order, the Commissioner is confirming the January 7, 1975 effective date for the part of the order allowing optional use of color additives in french dressing. However, he is extending the effective date to June 30, 1975 for the labeling requirements.

An inquiry was received concerning the January 7, 1975 effective date of the new labeling requirement for this standard. Since the standard now requires all ingredients to be declared in the ingredient statement, thereby necessitating significant label revisions, and only 60 days were provided to effect this change, the Commissioner of Food and Drugs is of the opinion that it would be in keeping with the "Uniform Effective Date for New Food Labeling Regulations" notice, published in the FEDERAL REGISTER of November 14, 1974 (39 FR 40184), to provide for the effective date of the label changes made to comply only with § 25.2(e) of the french dressing standard to be extended to June 30, 1975. The labeling of french dressings that are reformulated to incorporate safe and suitable color ad-

ditives (other than paprika) pursuant to § 25.2(d)(2) shall declare such color additives at the time the product is first introduced in interstate commerce.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 341, 371)) and under authority delegated to the Commissioner (21 CFR 2.120), notice is given that no objections were filed to the subject order. Accordingly, the amendment promulgated by that order became effective January 7, 1975.

In regard to compliance with the order, if labeling changes are to be made to comply only with § 25.2(e) the time for compliance is extended to June 30, 1975. However, a manufacturer who has changed his formulation to take advantage of the new safe and suitable color additive provision (§ 25.2(d)(2)) shall declare such color additives on the label of the newly formulated product in accordance with the applicable sections of 21 CFR Part 1 at the time such product is first introduced in interstate commerce.

Dated: April 16, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-10960 Filed 4-25-75;8:45 am]

SUBCHAPTER G—COSMETICS

PART 701—COSMETIC LABELING

Designation of Ingredients on Packaged Labels; Correction

In FR Doc. 75-5330 appearing in the FEDERAL REGISTER for Monday, March 3, 1975, § 701.3(o)(3) in the third column of page 8923 is corrected in the 14th line by adding the word "not" between "that are" and "misleading". As corrected, the line reads: "that are not misleading, declaring the other".

Dated: April 21, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-10961 Filed 4-25-75;8:45 am]

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Peyote; Statement of Policy and Interpretation

"Peyote," as it is used in the "Comprehensive Drug Abuse Prevention and Control Act of 1970," section 202(c), Schedule I (c)(12); 21 USC 812 (hereinafter the "Act"); and as used in 21 CFR 1308.11(d)(12), is the common name of the plant presently classified botanically as *Lophophora Williamsii Lemaire*.

Specialized findings of fact describing the plant, its chemical constituents, its method of use, and its potential for abuse, have been published in the Federal Register (35 FR 14789, September 23, 1970).

Consistent with those findings, it has been, and it continues to be the policy of the Administrator, that all parts of the plant *Lophophora Williamsii Lemaire*, whether growing or not; the seeds thereof; any extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or extracts, fall within the meaning of the term "peyote" as used in the Act and in 21 CFR 1308.11(d)(12).

Therefore, in furtherance of this interpretation, and in accordance with section 552(a)(1)(D) of the Administrative Procedure Act (5 USC 552 (a)(1)(D)); and under the authority vested in the Attorney General by section 201(a) of the Controlled Substances Act of 1970 (21 USC 811(a)) and delegated to the Administrator of the Drug Enforcement Administration by § 0.100(b) of Title 28 of the Code of Federal Regulations, the Administrator hereby orders that § 1308.11 (d)(12) be revised to read as follows:

§ 1308.11 Schedule I.

* * * * * * *

(d) * * *

(12) Peyote	7415

Meaning all parts of the plant presently classified botanically as *Lophophora Williamsii Lemaire*, whether growing or not; the seeds thereof; any extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or extracts.

(Interprets 21 USC 812(c), Schedule I(c)(12))

Effective date. This order is effective on April 28, 1975.

Dated: April 22, 1975.

JOHN R. BARTELS, Jr.,
Administrator, Drug Enforcement Administration.

[FR Doc.75-10990 Filed 4-25-75;8:45 am]

Title 29—Labor

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

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

National Fire Protection Association; Mailing Address Change

Pursuant to authority in sections 6 and 8(g) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1600; 29 U.S.C. 655, 657), in Secretary of Labor's Order No. 12–71 (36 FR 8754), and in 29 CFR Part 1911, Part 1910 of Title 29 of the Code of Federal Regulations is hereby amended as set forth below.

The correction is necessitated by a change of mailing address made by the National Fire Protection Association, which organization is referred to in several sections of Part 1910.

Since this correction makes no change in the standards, it is not necessary to provide notice of proposed rulemaking, opportunity for public participation therein, nor any delay in the effective date under section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 or 5 U.S.C. 553.

Accordingly, Part 1910 is amended as follows:

§§ 1910.40, 1910.100, 1910.116, 1910.-165b, 1910.171, 1910.184, 1910.254 [Amended]

Sections 1910.40, 1910.100, 1910.116, 1910.165b, 1910.171, 1910.184, and 1910.-254 of Title 29 of the Code of Federal Regulations are hereby amended by correcting the address of the National Fire Protection Association to read as follows:

National Fire Protection Association
470 Atlantic Avenue
Boston, Massachusetts 02210

This amendment is effective April 26, 1975.

(Secs. 6, 8(g), 84 Stat. 1593, 1600 (29 U.S.C. 655, 657); Secretary of Labor's Order No. 12–71, 36 FR 8754)

Signed at Washington, D.C. this 18th day of April, 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-10937 Filed 4-25-75;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

California Plan Supplements; Approval

1. *Background.* Part 1953 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) for the review of changes and progress in the development and implementation of State plans which have been approved under section 18(c) of the Act and Part 1902 of this title. On May 1, 1973, a notice was published in the FEDERAL REGISTER (38 FR 10717) of the approval of the California plan and of the adoption of Subpart K of Part 1952 describing the plan. On December 7, 1973, and March 4, 1974,, the State of California submitted supplements to the plan involving developmental changes (see Subpart B of 29 CFR Part 1953 and State initiated changes (see Subpart E of 29 CFR Part 1953). On April 26, 1974, a notice was published in the FEDERAL REGISTER (39 FR 14723) concerning the submission of these supplements to the Assistant Secretary of Labor for Occupational Safety and Health and the fact that the question of approval was in issue before him.

The supplements include:

a. Legislation, "Assembly Bill No. 150," approved by the Governor and filed with the Secretary of State on October 2, 1973 authorizing complete implementation of the basic State plan;

b. Interagency agreements between the State's designated agency (the State Department of Industrial Relations) and

the State Department of Public Health and the State Fire Marshal to foster the accomplishment of the plan's objectives;

c. A description of the significant differences between the enacted legislation and the legislation originally proposed in the plan;

d. A description of the organization and operation of the State's consultative service program; and

e. A change in the State's developmental schedule for completion of a revision of its standards from May 1, 1974 to October 31, 1975.

Interested persons were afforded thirty (30) days from the date of publication to submit written comments concerning these supplements. Interested persons were also afforded an opportunity to request an informal hearing with respect to the supplements.

2. *Issues.* Comments were received from interested persons and organizations, including the California Chamber of Commerce, the California Manufacturers Association, the Pacific Gas and Electric Company, and Glen Springer Associates. There were no requests for a hearing.

The major substantive comments concerned the legislation (A.B. 150), insofar as it responded to a commitment by California to remove sanctions against employees for violations of standards from the current provisions of the California Labor Code (See California Approval Notice (38 FR 10717)). These general provisions were repealed (sections 6315 and 6414) insofar as they constituted broad employee sanctions for violations of standards or orders. California did retain a potential employee sanction against any person removing or interfering with safety devices. These provisions are not considered employee sanctions that would interfere with the effectiveness of the State's enforcement program. (See Oregon decision 38 FR 19368).

In addition, California amended its pre-existing criminal misdemeanor employee sanction so as to limit its applicability to knowing, negligent, willful and/or repeated violations of standards by employers and those employees functioning in management or supervisory positions (sections 6423 and 6425).

There were no other substantive comments relevant to the plan changes as submitted.

3. *Decision.* In order to maintain the effective enforcement program required by the Act and 29 CFR Part 1902, an employee sanction must meet the following requirements: (1) it must be applicable only in clearly defined situations, and (2) it must not relieve the employer of his primary responsibility for occupational safety and health, including his obligation to take all possible steps to insure that employees' actions do not violate the standards. (See Oregon decision, 37 FR 28628, and Iowa decision, 38 FR 9368).

California's employee sanction, as outlined above, meets these criteria. Charges would only be placed against those employees in a supervisory capacity and then only for knowing, negligent, willful and/or repeated violations of standards. The law also contains special discrimination protections for employees. Section 6311 of A.B. 150 prohibits employers from discharging employees who refuse to violate safety and health standards where there is a serious violation or a real and apparent hazard to employees.

In order to ensure that the employer's primary responsibility for safety and health is not diminished, California's legislation authorizes civil penalties as well as criminal misdemeanor charges against the employer. It is particularly important to retain the employer's overall obligation to protect employee safety and health in cases where supervisory employees are subject to prosecution so as not to shift the burden of compliance with standards to these employees. Such a result would be inconsistent with the implementation of the Federal Act where actions of supervisory employees are imputed to the employer because of his obligation to provide a safe place of employment. See generally "Secretary of Labor v. Cameron Brothers Construction Co." 3 CCH Para. 16,395 August 9, 1973; "Secretary of Labor v. Maher Distribution Center" 3 CCH Para. 16,814 October 25, 1973. Accordingly, by letter dated March 6, 1975, from Steven A. Jablonsky California has provided assurances that appropriate citations will be issued to employers even where a criminal prosecution against a supervisory employee is contemplated.

In light of the apparently limited and restricted scope of this sanction and the availability of employment discrimination protections to employees, its inclusion in the California plan is not considered to undermine the effectiveness of the State's program. The actual implementation of the criminal sanctions, particularly as they relate to the employers' responsibility and/or employee discrimination protections, will be carefully reviewed during the continuous evaluation of the State plan. In addition, records will be kept and evaluated on the impact of the 10-day notice to employer requirement of section 6311 on implementation of this employee protection contained in that section.

After careful consideration of the plan supplements and the comments submitted regarding them, the supplements incorporated as part of the approved plan and under which the State has been carrying on its approved plan, are hereby approved under 29 CFR Part 1953.

Accordingly, Subpart K of 29 CFR Part 1952 is hereby amended, effective immediately, as set forth below.

1. Paragraph (b) of § 1952.173 is revised as follows:

§ 1952.173 Developmental schedule.

* * * * *

(b) By October 31, 1975, present standards will be amended or new standards promulgated which are as effective and comprehensive as those set forth in Chapter XVII of this Title 29 of the Code of Federal Regulations;

* * * * *

2. A new § 1952.174 is added to Subpart K of Part 1952 to read as follows:

§ 1952.174 Completed developmental steps.

(a)(1) In accordance with § 1952.173 (a), the California Occupational Safety and Health Act (Assembly Bill No. 150) was enacted in September 1973 and filed with the California Secretary of State October 2, 1973.

(2) The following difference between the program described in § 1952.170(a) and the program authorized by the State law is approved: Authority to grant or deny temporary variances rests with the Division of Industrial Safety, and such authority for permanent variances is with the Occupational Safety and Health Standards Board. The Board hears appeals from the Division of Industrial Safety's decisions on temporary variances.

(b) In accordance with § 1952.173(d) formal interagency agreements were negotiated and signed between the Department of Industrial Relations and the State Department of Health (June 28, 1973) and between the State Department of Industrial Relations and the State Fire Marshal (August 14, 1973).

(c) In accordance with § 1952.173(f), a program of consultation with employers and employees was fully functioning in January 1974.

(Secs. 8(g), 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g), 667))

Signed at Washington, D.C. this 18th day of April 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-10938 Filed 4-25-75;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Oregon Plan; Level of Federal Enforcement

1. *Background.* Part 1954 of Title 29, Code of Federal Regulations, sets out procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) for the evaluation and monitoring of State plans which have been approved under section 18(c) of the Act and 29 CFR Part 1902. Under § 1954.3 of this chapter, guidelines and procedures are provided for the exercise of discretionary concurrent Federal enforcement authority under section 18(e) of the Act with regard to Federal standards in issues covered under an approved State plan. In accordance with § 1954.3(b) of this chapter, Federal enforcement authority will not be exercised as to occupational safety and health issues covered under a State plan where a State is operational. A State is determined to be operational under § 1954.3(b) of this chapter when it meets the following requirements: enacted enabling legislation, approved State standards, has a sufficient number of qualified enforcement personnel, and provisions for review of enforcement actions. In making

determinations as to whether and to what extent a State plan meets the operational guidelines, the results of evaluations conducted under 29 CFR Part 1954 are taken into consideration. Under § 1954.3(f) of this chapter, notice of the determination of the operational status of a State plan as described in an agreement setting forth the Federal-State responsibilities will be published in the FEDERAL REGISTER.

2. *Notice of Oregon operational agreement.* (a) In accordance with the provisions of § 1954.3(f) of this chapter, notice is hereby given that a determination has been made that Oregon has met the following conditions for operational status:

(1) Enactment of the Oregon Safe Employment Act of 1973 (hereinafter called OSEA) (Senate Bill No. 44, ORS Chapter 654, effective July 1, 1973) and proposed as completion of a developmental step September 17, 1974, (39 FR 33423);

(2) Promulgation of State standards covering all issues as defined by Subparts B through R of 29 CFR Part 1910 found by the Assistant Regional Director for Occupational Safety and Health (hereinafter called the Assistant Regional Director) to provide overall protection equal to the comparable Federal standards in such issues;

Promulgation of revisions and additions to existing State standards covering issues defined by Subparts F, I, K, M, and N of 29 CFR Part 1910 and approval by the Assistant Regional Director that the standards are at least as effective as the comparable Federal standards in accordance with 29 CFR 1953.4, effective October 25, 1974 (39 FR 38036);

Promulgation of State standards covering issues defined by Subpart S of 29 CFR Part 1910 and approval by the Assistant Regional Director, effective January 16, 1975 (40 FR 2885);

Promulgation of other necessary revisions and additions to State standards to cover all other issues was completed by October 4, 1974, including standards contained in 29 CFR Parts 1918 and 1926 and §§ 1910.109 and 1910.142 which in the professional judgment of the Assistant Regional Director provides overall protection equal to the comparable Federal standards in such issues.

(3) A sufficient number of qualified safety and health personnel employed under an approved merit system; namely, seventy-seven (77) safety inspectors and eight (8) health inspectors as of July 1, 1974.

(4) A review and appeals system in the Hearing Division of the Workmen's Compensation Board, providing the mechanism for employer and employees to contest enforcement actions and/or abatement dates, in operation since December 20, 1973, under temporary rules and regulations promulgated effective that date, subsequently replaced by permanent rules promulgated effective April 15, 1974 (Oregon Administrative Rules, Chapter 436, sections 85–005 to 85–915).

(5) State enforcement since August 1, 1973, of the State standards, monitored under Subpart C of 29 CFR Part 1954, including two on-site evaluations;

(b) In addition, the State has provided under its plan for:

(1) Notification to employers and employees since July 1, 1974, of rights and responsibilities under OSEA by requiring display in all work places covered by the plan of a State poster recommended for approval by the Assistant Regional Director under Subpart F of 29 CFR Part 1953;

(2) Occupational accident and illness recordkeeping and reporting by employers covered under the plan, effective July 1, 1974 (Oregon Administrative Rules, Chapter 436, Sections 46–700 to 46–750);

(3) Responding to complaints filed with or referred to the Oregon Workmen's Compensation Board for violation of the prohibition against employer discrimination against employees for exercising their rights under Oregon Safe Employment Act (Section 14, ORS 654.062(5)(a));

(4) Assurance of the rights of employers and employees and their representatives consistent with the provisions of the Federal Act and its implementing regulations.

Pursuant to this finding, an agreement effective January 23, 1975, and incorporated as part of the Oregon plan has been entered into between M. Keith Wilson, Chairman, Oregon Workmen's Compensation Board, and James W. Lake, Assistant Regional Director for Occupational Safety and Health of the U.S. Department of Labor, providing that Federal enforcement authority under section 18(e) of the Act will not be initiated with regard to Federal occupational safety and health standards in the issues covered by Subparts B through S of 29 CFR Part 1910, including 29 CFR Parts 1915 through 1918 and Part 1926, where State standards are in effect and operational, except those areas listed below retained and/or exercised by the Federal government under the Act.

Under the agreement, Federal responsibility under the Act will continue to be exercised, among other things, with regard to: complaints about violations of the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660(c)); enforcement of standards promulgated under the Act subsequent to the agreement where necessary to protect employees as in the case of temporary emergency standards promulgated under section 6(c) of the Act (29 U.S.C. 655(c)), until such time as the State shall have adopted equivalent standards in accordance with Subpart C of 29 CFR Part 1953; enforcement of Federal standards contained in the issues covered by Subpart B, Ship repairing, Shipbuilding, Shipbreaking, and Longshoring, 29 CFR 1910.13 through 1910.16, as they relate to employment under the exclusive jurisdiction of the Federal Government on the navigable waters of the United States, including dry docks and marine railways; and investigation and inspection for the purpose of evaluation of the State plan under sections 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)).

The agreement is subject to revision or termination by the Assistant Secretary of Labor for Occupational Safety and Health upon substantial failure by the State to comply with any of its provisions, or when the results of evaluation under 29 CFR Part 1954 reveal that State operations covered by the agreement fail in a substantial manner to be at least as effective as the Federal program.

In accordance with this agreement and effective as of January 23, 1975, Subpart D of 29 CFR Part 1952 is hereby amended, as set forth below:

Section 1952.107 is revised to read as follows:

§ 1952.107 Level of Federal enforcement.

Pursuant to §§ 1902.20(b)(1)(iii) and 1954.3 of this chapter under which an agreement has been entered into with Oregon effective January 23, 1975, and based on a determination that Oregon is operational in the issues covered by the Oregon occupational safety and health plan, the U.S. Department of Labor will continue to exercise authority, among other things, with regard to: Federal standards promulgated subsequent to the agreement where necessary to protect employees as in the case of standards promulgated under section 6(c) of the Act (29 U.S.C. 655(c)), in issues covered under 29 CFR Part 1910 and 29 CFR Part 1926, until such time as Oregon shall have adopted equivalent standards in accordance with 29 CFR Part 1953, Subpart C; Federal standards contained in the issues covered by Subpart B, Ship repairing, Shipbuilding, Shipbreaking, and Longshoring, 29 CFR 1910.13 through 1910.16, as they relate to employment under the exclusive jurisdiction of the Federal government on the navigable waters of the United States, including dry docks and marine railways; complaints about violations of the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660(c)); and investigation and inspection for the purpose of evaluation of the Oregon plan under sections 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)). The Assistant Regional Director for Occupational Safety and Health will make prompt recommendation for resumption of the appropriate level of exercise of Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) whenever, and to the degree, necessary to assure occupational safety and health protection to employees in the State of Oregon.

(Secs. 8(g), 18, Pub. L. 91–596, 84 Stat. 1600, 1608; (29 U.S.C. 657(g), 667))

Signed at Washington, D.C. this 17th day of April 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75–10940 Filed 4–25–75;8:45 am]