United States pursuant to section 303(e) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(e)), this waiver of countervailing duties will, in any event, by statute cease to have force and effect on January 4, 1979.

On or after the date of publication in the FEDERAL REGISTER of a notice revoking this determination in whole or in part, the day after the date of adoption by either House of Congress of a resolution disapproving this "Waiver of Countervailing Duties," or January 4, 1979, whichever occurs first, countervailing duties will be assessable on leather handbags from Brazil in accordance with T.D. 76-3.

§ 159.47 [Amended]

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting after the last entry for Brazil under the commodity heading "Leather Handbags" the number of this Treasury Decision in the column heading "Treasury Decision", and the words "Imposition of countervailing duties waived" in the column headed "Action".

(R.S. 251, as amended, secs. 303, as amended, 624; 46 Stat. 687, 759, 88 Stat. 2051, 2052; (19 U.S.C. 66, 1303, 1624).)

Dated: JULY 7, 1976.

WILLIAM E. SIMON,
Secretary of the Treasury.

[FR Doc.76-20183 Filed 7-12-76;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

New Mexico—Approval of Supplements

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) for 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 December 10, 1975, a notice was published in the FEDERAL REGISTER of the approval of the New Mexico plan and of the adoption of Subpart DD of Part 1952 describing the plan. On May 7, 1976, the State of New Mexico submitted a supplement involving a developmental change (see Subpart B of 29 CFR Part 1953).

2. *Description of the supplement.* The supplement concerns the New Mexico State poster which is to be posted at all covered workplaces in the State. In the private sector the Federal Poster must be displayed concurrently until such time as the state has become operational as defined in 29 CFR 1954.3(b). Among other things, the poster contains provisions notifying employers and employees of their obligations and protections under the New Mexico Act, the employees' right to request workplace inspections and their right to remain anonymous as a result, their right to participate in inspections, their protection against discharge or discrimination under both Federal and State laws for the exercise of their rights under the Federal and State laws; and the employers' and employees' right to file complaints with the Occupational Safety and Health Administration concerning the administration of the State program.

3. *Location of the plan and its supplement for inspection and copying.* A copy of the poster, along with the approved plan may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N-3608, 200 Constitution Avenue, NW., Washington, D.C. 20210; Technical Data Center, Room N3620, 200 Constitution Avenue, NW., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, 555 Griffin Square Building, Room 602, Dallas, Texas 75202; Environmental Improvement Agency, Occupational Radiation Protection Division, P.O. Box 2348, PERA Building, Room 506, Santa Fe, New Mexico 87503.

4. *Public participation.* Under § 1953.2 of this chapter, the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the New Mexico poster incorporates all of the provisions required under 29 CFR 1952.10(a)(5) and 29 CFR 1903.2(a)(3) (89 FR 39306, November 5, 1974). Accordingly, it is believed that further public comment is unnecessary.

5. *Decision.* After careful consideration, the New Mexico plan supplement outlined above is approved under Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally including 29 CFR 1952.10(a)(2). In addition, Subpart DD of 29 CFR Part 1952 is amended to reflect the completion of a developmental step upon the approval of the State poster. Accordingly, Subpart DD of Part 1952 is amended by adding a new section as follows:

§ 1952.364 Completed developmental steps.

In accordance with the requirements of § 1952.10, the New Mexico State poster was approved by the Assistant Secretary on July 2, 1976.

(Secs. 8(g)(2), Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g)(2), 667).)

Signed at Washington, D.C., this 2d day of July 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-20184 Filed 7-12-76;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Wyoming Plan—Approval of Supplement

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 referred to as the Act), for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On May 3, 1974, notice was published in the FEDERAL REGISTER (39 FR 15394) of the approval of the Wyoming plan and the adoption of Subpart BB to Part 1952 containing the decision. On May 17, 1976, the State of Wyoming submitted a supplement containing the Wyoming Management Information System.

2. *Description of the Supplement.* The supplement consists of Wyoming's Management Information System which is operated as a manual system. The system provides, among other things, data on the various types of inspections, number and type of violations, amounts of proposed penalties and collection of penalties, employee complaints, training, time utilization, contested cases, and special programs.

3. *Location of supplement for inspection and copying.* A copy of the supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N-3112, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 15010, Post Office Box 3588, 1961 Stout Street, Denver, Colorado 80202; and the Occupational Health and Safety Department, 200 East Eighth Avenue, Cheyenne, Wyoming 82001.

4. *Public participation.* Under § 1953.2(c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable laws. The Assistant Secretary finds that the plan supplement described above is consistent with commitments contained in the approved plan, which were previously made available for public comments. Accordingly, it is found that further public comment and notice is unnecessary.

5. *Decision.* After consideration, the Wyoming plan supplement outlined above is hereby approved under Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In addition, Subpart BB of 29 CFR Part 1952 is hereby amended to reflect this approved plan change. Accordingly, § 1952.344 of Subpart BB is hereby amended by adding a new paragraph (c) as follows:

§ 1952.344 Completed developmental steps.

* * * * *

(c) In accordance with § 1952.343(d), Wyoming has developed and implemented a Management Information System.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Washington, D.C., this 2d day of July 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-20185 Filed 7-12-76;8:45 am]

Title 35—Panama Canal

CHAPTER I—CANAL ZONE REGULATIONS

PART 5—PUBLIC LANDS: MILITARY RESERVATIONS

Redesignation and Revision of Military Reservations in the Canal Zone

Correction

In FR Doc. 76-18289, appearing at page 26148 in the issue for Thursday, June 24, 1976 make the following corrections:

1. In § 5.21(c), the sixth paragraph, first line beginning "Due west, 7,133.7 * * *" should read "Due west, 7,113.7 * * *".

2. In § 5.21(c), the 112th paragraph, the 14th line beginning "2,64.4 feet * * *" should read "2,564.4 feet * * *".

3. In § 5.21(h), the 14th paragraph, the 15th line reading "' Boundary of 193rd Infantry Brigade (C.Z.)," should read "Panama Canal Military Reservation".

4. In § 5.21(j), the eighth paragraph, the last line reading "tude 79°37' W., plus 5.616.2 feet;" should read "tude 79°37' W., plus 5,616.2".

5. In § 5.21(n), the fourth paragraph, the fifth line beginning "13-B and N.F.C. are 1-inch * * *" should read "13-B and N.F.C. are 8-inch * * *".

6. In § 5.31(l), the tenth paragraph, the third line beginning "ments Nos. G.F. 2-1, * * *" should read "ments Nos. G.F. 22-1, * * *", and the fifth line beginning "pipes, to monument No. C.F. 27, * * *" should read "pipes, to monument No. G.F. 27, * * *".

7. In § 5.41(f), the 14th paragraph, the first line beginning "N. 58°02'30" E., 224.7 * * *" should read "N. 58°02'30" E., 244.7 * * *".

8. In § 5.41(f), the 28th paragraph, the second line, after the word "the" add the word "south".

9. In § 5.51, the 25th paragraph, the last line beginning "feet and longitude 79°33' * * *" should read "feet and longitude 79°33' W. * * *".

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-611; RM-2562]

PART 1—PRACTICE AND PROCEDURE

Memorandum Opinion and Order

By the Commission:

In the Matter of Amendment of § 1.24, Rules of Practice and Procedure, regarding removal of counsel from a hearing proceeding.

1. On June 24, 1975, the Federal Communications Bar Association filed a petition for rule making asking that the Commission adopt procedures applicable to the removal of counsel from proceedings before an administrative law judge or the Review Board. Public notice of its filing was given on July 15, 1975. No statements supporting or opposing the petition were filed.

2. Under the suggested procedures, the attorney would appeal the ruling; the reviewing authority would direct the judge or the Board, as the case may be, to prefer charges against the attorney, supported by a bill of particulars; the attorney would respond; and the proceeding would be stayed pending action on review or "until new counsel appears."

3. The petition is lacking in merit and is denied. The suggested procedures would place the presiding judge (or the Board) and counsel for a party in adversary positions in a matter relating to a pending adjudicatory proceeding. The role of prosecutor of counsel for a party is irreconcilable with the role of judge. The proposed amendment of § 1.24 (censure, suspension, or disbarment of attorneys), moreover, mistakenly confuses the removal of counsel from a proceeding with disciplinary action against counsel for conduct upon which his removal was based. Removal of counsel is not a disciplinary action; its purpose is to preserve decorum and to permit the hearing to proceed. Disciplinary matters are dealt with separately under § 1.24 in proceedings involving a full evidentiary hearing. We do not agree, finally, that the hearing should be stayed pending the outcome of review proceedings or "until new counsel appears." (To the extent that removal is confused with disciplinary proceedings, the stay could be for the duration of such proceedings). The prolonged delay occasioned by such proceedings would be unfair to other parties and contrary to the public interest. In such circumstances, the rights of parties and the public properly take precedence over the rights of counsel. Moreover, the scheduling of hearing sessions cannot properly depend on the client's decision to obtain new counsel; his interests may be served by delay.

4. Although we deny the petition, for the reasons stated, we agree that the Rules should specify procedures applicable to the removal of counsel. We are amending § 1.301(a) to provide for appeal as a matter of right, by counsel on his own behalf or by his client, from a ruling removing counsel from a hearing. It is also provided that the presiding officer will adjourn the hearing for such period as is reasonably necessary for the client to secure new counsel and for counsel to familiarize himself with the case. The same procedures will apply if counsel is removed from proceedings before the Review Board.

5. In view of the foregoing, the petition for rule making filed by the Federal Communications Bar Association is denied; § 1.301 is amended, effective July 14, 1976 as set out below; and this proceeding is terminated. Authority for this amendment is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Because the amendment involves a matter of procedure, the prior notice and effective date requirements of 5 U.S.C. 553 are inapplicable.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Adopted: June 29, 1976.

Released: July 9, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

In Part 1 of Chapter I of Title 47 of the Code of Federal Regulations, § 1.301 (a) (5) is added, to read as follows:

§ 1.301 Appeal from presiding officer's interlocutory ruling; effective date of ruling.

(a) * * *

(5) A ruling removing counsel from the hearing is appealable as a matter of right, by counsel on his own behalf or by his client. (In the event of such ruling, the presiding officer will adjourn the hearing for such period as is reasonably necessary for the client to secure new counsel and for counsel to familiarize himself with the case).

* * * * *

[FR Doc.76-20160 Filed 7-12-76;8:45 am]

[Docket No. 20575; RM-2462]

PART 73—RADIO BROADCAST SERVICES

FM Table of Assignments; Pa.

In the matter of amendment of § 73.202 (b), Table of Assignments, FM Broadcast Stations. (Pittston, Pennsylvania).

1. The Commission has before it the Notice of Proposed Rule Making, adopted August 6, 1975, 40 FR 34394, invting comments on a proposal by WTJK Broadcasting Corporation, which is not the licensee of any AM, FM, or TV station, to amend the FM Table of Assignments by assigning Channel 272A to Pittston, Pennsylvania. The adoption of this proposal would not require any other changes in the FM Table of Assignments. An opposition to the petition for rule making was filed by WBAX, Inc., licensee of AM Station WBAX at Wilkes-Barre, Pennsylvania; but WBAX did not respond to the Notice's invitation to submit comments. The only comments filed regarding this proposal were those of the petitioner.

2. Pittston, with a population of 11,113, is located in the northeastern part of Luzerne County (pop. 342,301) and is situated approximately 7 miles northeast of Wilkes-Barre, Pennsylvania, in its Urbanized Area (pop. 222,830). At the present time, local aural service consists solely of daytime AM Station WPTS, which is licensed to Ward Broadcasting Corporation.

3. Petitioner alleges that adoption of this proposed assignment would give Pittston its first local nighttime service

as well as its first FM channel. However, a question was raised in the Notice as to whether or not the proposed assignment was designed to serve the needs of Pittston or nearby Wilkes-Barre.[1] Unlike the P.A.L. case, petitioner is not the licensee of an AM station at Wilkes-Barre and thus does not propose to duplicate the programming of its Wilkes-Barre AM station. Petitioner's station would be independent, operating on a Class A channel (unlike the Wilkes-Barre stations which operate on Class B channels) and would not encompass Wilkes-Barre with a city-grade signal. Such coverage of Wilkes-Barre as it would have is the result of the applicable spacing requirements which require use of a site in a small area near Pittston. Use of this site would not bring the station significantly closer to Wilkes-Barre than Pittston itself is. All of this information supports the view that the station would be designed to serve Pittston. Therefore, we do not believe that this matter constitutes an impediment to the proposed assignment.

4. We further believe, based on the comments of WTJK, that the public interest would be served by the assignment of Channel 272A to Pittston, Pennsylvania, because this would provide for a first local nighttime aural service to Pittston. This is consistent with priorities used in establishing the FM Table of Assignments in 1963—that, insofar as possible, an FM broadcast station should be assigned where the community has only a daytime-only AM station. Further Notice of Proposed Rule Making, Docket No. 14185 adopted July 25, 1962 (FCC 62-867), incorporated by reference in paragraph 25 of the Third Report Memorandum Opinion and Order, 40 F.C.C. 747, 758 (1963). In addition, this assignment would not create any preclusion on adjacent channels. Although there will be preclusion in Channel 272A, there are no communities in the precluded area with a population greater than 2,500 persons.

5. Accordingly, *it is ordered*, That effective August 12, 1976, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended insofar as the city below to read as follows:

§ 73.202 [Amended]

City	Channel No.
Pittston, Pa	272A

6. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303, and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules.

7. Since Pittston, Pennsylvania, is within 250 miles of the U.S.-Canadian border, Canadian concurrence, pursuant to the 1947 Canadian-United States Working Agreement, of the assignment herein is required. Canadian approval of the assignment has been obtained.

8. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 5, 303, 307, 48 Stat., as amended, 1066, 1068, 1082, 1083; 47 U.S.C. 154, 155, 303, 307.)

Adopted: June 29, 1976.

Released: July 9, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-20163 Filed 7-12-76;8:45 am]

[1] Reference was made to P.A.L. Broadcasters, Inc., 40 F.C.C. 2d 546 (1973), a case which involved an application for an FM station at Pittston which was viewed as an attempt to obtain what amounted to a Wilkes-Barre station. As mentioned below, this case does not involve the same points which gave rise to the conclusion that the intent was to serve Wilkes-Barre. In the present case, petitioner's references are to serving Pittston and its smaller environs rather than Wilkes-Barre, and our study of the relevant engineering data provides confirmation of this statement.

Title 21—Food and Drugs

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

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

[FRL 582-8; FAP6H5116/R27]

PART 561—TOLERANCES FOR PESTICIDE IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

S-[2-(Ethylsulfinyl)ethyl]O,O-Dimethyl Phosphorothioate

On March 12, 1976, the Environmental Protection Agency (EPA) gave notice in the FEDERAL REGISTER (41 FR 10709) that Mobay Chemical Corp., PO Box 4913, Kansas City MO 64120, had filed a food additive petition (FAP 6H5116). This petition proposed that 21 CFR 561 be amended by the establishment of a regulation permitting the use of the insecticide S-[2-ethylsulfinyl)ethyl] O,O-dimethyl phosphorothioate on growing sorghum with a tolerance limitation for residues of the insecticide in the processed feed sorghum bran of 2.25 parts per million (ppm). Mobay Chemical Corp. subsequently amended the petition by revising the phrase "* * * in the processed feed sorghum bran" to read "* * * in the milled fractions of sorghum (except flour)" and by decreasing the proposed tolerance limitation to 2.0 ppm.

NOTE.—A related document concerning the establishment of tolerances for residues of this pesticide in or on the raw agricultural commodities sorghum grain and forage appears elsewhere in today's FEDERAL REGISTER.

The data submitted in the petition and other relevant material have been evaluated, and it is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 7 U.S.C. 136 et seq.). It has been determined, therefore, that 21 CFR 561 should be amended as proposed.

Any person adversely affected by this regulation may, on or before August 12, 1966, file written objections with the Hearing Clerk, Environmental Protection Agency, East Tower, Room 1019, 401 M St. SW, Washington, DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on July 13, 1976, 21 CFR Part 561 is amended by adding the new § 561.234 as set forth below.

Dated: JULY 9, 1976.

(Sec. 409(c)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(c)(1)).)

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

21 CFR Part 561 is amended by adding the new § 561.234 to read as follows:

§ 561.234 S-[2-(ethylsulfinyl)ethyl] O,O-dimethyl phosphorothioate.

A tolerance of 2.0 ppm is established for combined residues of the insecticide S-[2-(ethylsulfinyl)ethyl] O,O-dimethyl phosphorothioate and its cholinesterase-inhibiting metabolites in the milled fractions of sorghum (except flour) for animal feed when present therein as a result of application of the insecticide to growing sorghum.

[FR Doc.76-20345 Filed 7-12-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 583-2; PP 5F1643 and 5F1644/R106]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

S-[2-(Ethylsulfinyl)ethyl] O,O-dimethyl phosphorothioate

On July 25, 1975, the Environmental Protection Agency (EPA) gave notice (40 FR 31259) that Chemagro Agricultural Div., Mobay Chemical Corp., PO Box 4913, Kansas City MO 64120, had filed two pesticide petitions (PP 5F1642 and 5F1644). Pesticide petition 5F1643 proposed that 40 CFR 180.330 be amended by establishing tolerances for combined residues of the insecticide S-[2-(ethylsulfinyl)ethyl] O,O-dimethyl phosphorothioate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities safflower at 1.0 part per million (ppm) and grapes at 0.1 ppm and by increasing the current tolerances in or on apples, blackberries, head lettuce, raspberries, strawberries, and turnip greens (tops) from 1 ppm to 2.0 ppm. No comments were received with regard to this notice of filing, and Chemagro Agricultural Div. subsequently amended the