

SUMMARY: This regulatory instruction establishes Department of Defense (DoD) policy for the control of smoking in DoD-occupied buildings and facilities, and outlines procedures to be followed in complying with these requirements.

EFFECTIVE DATE: August 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. George M. Siebert, Office of the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), Washington, D.C. 20301, telephone 202-697-5947.

Accordingly, Part 203 reads as follows:

- Sec.
203.1 Purpose.
203.2 Applicability and Scope.
203.3 Background.
203.4 Policy.

AUTHORITY: 5 U.S.C. 301.

§ 203.1 Purpose.

This Instruction establishes Department of Defense (DoD) procedures for control of smoking in DoD occupied buildings and facilities.

§ 203.2 Applicability and Scope.

The provisions of this Part apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Defense Agencies, and the Army-Air Force Exchange Service. This Part applies in all DoD occupied facilities. It does not cancel or supersede other instructions where smoking is controlled because of fire, explosive, or other safety considerations.

§ 203.3 Background.

The Surgeon General of the United States has determined that the smoking of tobacco can constitute a hazard to health. DoD recognizes the right of individuals working or visiting in DoD occupied buildings to an environment reasonably free of contaminants. DoD also recognizes the right of individuals to smoke in such buildings, provided such action does not endanger life or property, cause discomfort or unreasonable annoyance to nonsmokers, or infringe upon their rights.

§ 203.4 Policy.

(a) The smoking of tobacco products within DoD occupied space shall be controlled in accordance with the following guidelines:

(1) **Auditoriums.** Smoking shall not be permitted in auditoriums. Prompt action shall be taken to post appropriate no-smoking signs in these areas. Ash trays should be removed from these areas and receptacles may also be placed just inside the auditorium so that visitors may dispose of cigarettes, etc., when they become aware of the smoking restriction.

(2) **Eating Facilities.** No-smoking areas will be established in eating facilities in DoD occupied buildings wherever practicable. Where appropriate this may be accomplished by agreement between the responsible DoD official and a concessionaire, and then included as a provision in future amendments and new contracts. A no-smoking area should be designated and posted based on an estimate of smoking and non-smoking patrons served.

(3) **Elevators.** Elevators shall be designated as no-smoking areas.

(4) **Shuttle vehicles.** Smoking shall be prohibited in shuttle vehicles.

(5) **Medical care facilities.** In medical care facilities, smoking shall be restricted to staff lounges, private offices, and specially designated areas. Smoking is permitted in visitor waiting areas only where space and ventilation capacities permit division into smoking and non-smoking sections.

(6) **Conference and classrooms.** Smoking in conference rooms and classrooms shall be prohibited.

(7) **Work areas.** In establishing and continuing a smoking policy in work areas under their jurisdiction, officials must strive to maintain an equitable balance between the rights of non-smokers and smokers. Smoking shall be permitted in private offices. In common work spaces shared by smokers and non-smokers, smoking shall be permitted only if ventilation is adequate to remove smoke from a work area and provide an environment that is healthful. Work space may be planned to accommodate the preferences of each group, provided that (a) efficiency of work units will not be impaired; and (b) additional space or costly alterations will not be required. As a general rule, a minimum ventilation rate of 10 cubic feet of fresh air per minute per person is recommended to remove smoke from a work area and provide a healthful environment.

(8) **Corridors, lobbies, and restrooms.** Except in medical care facilities, there should be no limitation on smoking in corridors, lobbies, and restrooms as persons are not in these areas for long periods of time.

(b) Emphasis should be placed on educational programs to discourage smoking. These programs should focus on high risk personnel such as those with chronic bronchitis, emphysema, asthma, and coronary heart disease and upon special occupational groups such as asbestos workers. Programs should include lectures, films, pamphlets, and posters, and should be updated frequently to utilize the latest available medical research information on smoking and health.

MAURICE W. ROCHE,
Director, Correspondence and
Directives, Washington Headquarters Services.

[FR Doc. 77-31550 Filed 10-31-77; 8:45 am]

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL
PROTECTION AGENCY

[FRL 808-3]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLAN

Florida: Approval of Plan Revision

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rule specifies limitations on the conditions under which burning may be used to protect citrus and other crops from cold or frost and the types of fuels which may be burned. As a revision to the State Implementation Plan to attain and maintain the National Ambient Air Quality Standards, it was adopted by the Florida Environmental Regulation Commission to provide relief during emergency situations in subfreezing weather.

EFFECTIVE DATE: November 1, 1977.

ADDRESSES: Copies of the information submitted by Florida may be examined by the public during normal business hours at the following locations:

Air Programs Branch, Air and Hazardous Materials Division, Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Ga. 30308.

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Florida Department of Environmental Regulation, 2562 Executive Center Circle East, Montgomery Building, Tallahassee, Fla. 32301.

FOR FURTHER INFORMATION CONTACT:

D. Brian Mitchell, Air Programs Branch, Air and Hazardous Materials Division, Environmental Protection Agency, 345 Courtland Street SW., Atlanta, Ga. 30308, 404-881-3286.

SUPPLEMENTARY INFORMATION: On March 4, 1976 (40 FR 4376), the Administrator announced a proposed revision to the Florida implementation plan. This consisted of changes to the regulations dealing with specific limitations and conditions under which burning may be used to protect agricultural operations from cold or frost and the types and quantities of fuels that may be burned, Section 17-5.06. The revision was duly adopted by the Board of the Florida Department of Environmental Regulation on November 19, 1975, consistent with requirements of 40 CFR 51.4, and was submitted for the Agency's approval on January 14, 1976. Copies of the revision were made available for public inspection at the Agency's Region IV Headquarters in Atlanta, Ga., and at the of-

fices of the Florida Department of Environmental Regulation throughout the State. Written comments were solicited from the public, but none were received.

The existing provisions of Section 17-5.06 are left largely unaltered except that the prohibition on the burning of clean dry wood is removed. Restrictions and conditions on open burning and outdoor heating devices are added as follows:

Burning for the protection of agricultural crops (including citrus nurseries) other than citrus groves may not begin until the ambient temperature falls to 32° F or below.

Burning for the protection of citrus fruit to be marketed as fresh fruit may not begin until the ambient temperature drops to 29° F or below and can reasonably be expected to remain at or below 28° F for four hours or more. Clean dry wood may be used in this case for open fires as a substitute for approved fuels. Prior to undertaking such burning, the owner or operator must notify the Department of Environmental Regulation.

To prevent unnecessary air pollution and to conserve fuel, the quantity of fuel oil burned is not to exceed certain limits: 35 gallons per acre per hour at 25° F to 28° F; 50 gallons per acre per hour below 25° F; and 75 gallons per acre per hour below 20° F.

Generally, the use of open burning or outdoor heating devices is to be curtailed as permitted by the availability of non-polluting protection methods such as spray irrigation or wind machines.

Special provision is made in the revised regulations for the burning of normally unapproved fuels when an unusually large amount of cold weather causes shortages of approved fuels. The unapproved fuels that may be used under emergency conditions shall not include Bunker C residual oil, tires, rubber materials, asphalt, tar, railroad cross ties, other creosoted materials, or plastics.

A revised control strategy and other ancillary materials were submitted in support of the proposed revision. The Administrator has determined that implementation of Florida's revised regulations will not interfere with the attainment and maintenance of the national ambient air quality standards.

Accordingly, 40 CFR Part 52 is amended as follows:

Subpart K—Florida

In § 52.520, subparagraph (17) is amended by adding paragraph (c) as follows:

§ 52.520 Identification of plan.

(c) * * *
(17) Revised burning rule for cold or frost protection, submitted on January 14, 1976, by the Florida Department of Environmental Regulation.

(Sec. 1110(a), Clean Air Act is amended (42 U.S.C. 1857c-5(a)).)

Dated: October 25, 1977.

DOUGLAS COSTLE,
Administrator.

[FR Doc. 77-31604 Filed 10-31-77; 8:45 am]

[6560-01]

[FRL 793-4]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Amendments to General Provisions and Copper Smelter Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule clarifies that excess emissions during periods of startup, shutdown, and malfunction are not considered a violation of a standard. This rule also clarifies that excess emissions for no more than 1.5 percent of the time during a quarter will not be considered indicative of a potential violation of the new source performance standard for primary copper smelters provided the affected facility and the air pollution control equipment are maintained and operated consistent with good air pollution control practice.

EFFECTIVE DATE: November 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Don R. Goodwin, Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION:

BACKGROUND

EPA promulgated standards of performance for primary copper, zinc and lead smelters on January 15, 1976. On March 5, 1976, Kennecott Copper Corporation filed a petition with the United States Court of Appeals for the District of Columbia Circuit requesting that EPA reconsider the standards for copper smelters. EPA proposed to make two clarifying amendments to the standards, and Kennecott agreed to withdraw its court challenge providing these amendments were made. The amendments being made are in response to the following two issues raised in the Kennecott court appeal:

(1) The standards of performance fail to provide for excessive emissions during periods of startup, shutdown, and malfunction.

(2) The standards of performance prescribe averaging times too short to accommodate the normal fluctuations in sulfur dioxide emissions inherent in smelting operations.

EXCESS EMISSIONS DURING STARTUP, SHUTDOWN AND MALFUNCTION

For all sources covered under 40 CFR Part 60, compliance with numerical emission limits must be determined through performance tests. 40 CFR 60.8(c) exempts periods of startup, shutdown, and malfunction from performance tests. By implication this means compliance with numerical emission limits cannot be determined during periods of startup, shutdown, and malfunction. EPA and Kennecott have agreed that for clarification

purposes this should be specifically stated in the regulation. Therefore, an amendment to this effect is being made in 40 CFR 60.8(c).

This exemption from compliance with numerical emission limits during startup, shutdown and malfunction, however, does not exempt the owner or operator from compliance with the requirements of 40 CFR 60.11(d) which says: "At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions."

AVERAGING TIMES

Kennecott alleged that a six-hour averaging time is not long enough to average out periods of excessive emissions of sulfur dioxide which normally occur at smelters equipped with best control technology. According to Kennecott, the six-hour averaging period simply does not mask emission variations caused by normal fluctuations in gas strengths and volumes.

A performance test to determine compliance with the numerical emission limit included in the standard of performance consists of the arithmetic average of three consecutive six-hour emission tests. EPA's analysis of the emission data presented in the background document ("Background Information for New Source Performance Standards: Primary Copper, Zinc, and Lead Smelters," October 1974) supporting the standards of performance for copper smelters indicates that the possibility of a performance test exceeding the standard of performance under normal conditions is extremely low, less than 0.15 percent. This same analysis, however, indicates that the possibility of emissions averaged over a single six-hour period exceeding the numerical emission limit included in the standard of performance during normal operation is about 1.5 percent. To reconcile this situation with the excess emission reporting requirements, which currently require all six-hour periods in excess of the level of the sulfur dioxide standard to be reported as excess emissions, 40 CFR 60.165 is being amended to provide that if emissions exceed the level of the standard for no more than 1.5 percent of the six-hour averaging periods during a quarter, they will not be considered indicative of potential violation of 40 CFR 60.11(d); i.e., indicative of improper maintenance or operation. This exemption applies, however, only if the owner or operator maintains and operates the affected facility and air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions during these periods. This ensures that the control equipment will be operated and emissions will be minimized during this time. Excess emissions during periods of startup, shutdown, and malfunction are not considered part of the 1.5 percent.

MISCELLANEOUS

The Administrator finds that good cause exists for omitting prior notice and public comment on these amendments and for making them immediately effective because they simply clarify the existing regulations and impose no additional substantive requirements.

NOTE.—The EPA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Orders 11821 and 11949, and OMB Circular R-107.

Dated: October 25, 1977.

DOUGLAS M. COSTLE,
Administrator.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 60.8, paragraph (c) is amended to read as follows:

§ 60.8 Performance tests.

(c) Performance tests shall be conducted under such conditions as the Administrator shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard.

2. In § 60.165, paragraph (d) (2) is amended to read as follows:

§ 60.165 Monitoring of operations.

(2) Sulfur dioxide. All six-hour periods during which the average emissions of sulfur dioxide, as measured by the continuous monitoring system installed under § 60.163, exceed the level of the standard. The Administrator will not consider emissions in excess of the level of the standard for less than or equal to 1.5 percent of the six-hour periods during the quarter as indicative of a potential violation of § 60.11(d) provided the affected facility, including air pollution control equipment, is maintained and operated in a manner consistent with good air pollution control practice for minimizing emissions during these periods. Emissions in excess of the level of the standard during periods of startup, shutdown, and malfunction are not to be included within the 1.5 percent.

(Secs. 111, 114, and 301(a) of the Clean Air Act as amended (42 U.S.C. 1857c-6, 1857c-9, 1857g(a)).)

[FR Doc. 77-31506 Filed 10-31-77; 8:45 am]

[1505-01]

Title 46—Shipping

CHAPTER I—COAST GUARD,
DEPARTMENT OF TRANSPORTATION

[CGD 73-98]

PART 153—SAFETY RULES FOR SELF-
PROPELLED VESSELS CARRYING HAZ-
ARDOUS LIQUIDS

Correction

In FR Doc. 77-27790, appearing at page 49016, in the issue for Monday, September 26, 1977, on page 49038, third column, the first line of § 153.372, reading "por pressure exceeds 100 kPa absolute at" should read "A containment system that carries at".

[3510-03]

CHAPTER II—MARITIME ADMINISTRA-
TION, DEPARTMENT OF COMMERCEPART 381—CARGO PREFERENCE—U.S.-
FLAG VESSELSShipments Related to Federal Grants, Guar-
anties, Loans, and Advance of Funds
Programs

AGENCY: Maritime Administration, De-
partment of Commerce.

ACTION: Final regulations.

SUMMARY: These regulations clarify the scope of provisions in the Cargo Preference Act of 1954, 68 Stat. 832 (46 U.S.C. 1241(b)), commonly known as Pub. L. 664. This Act requires Government agencies to take all necessary and practicable steps to assure the carriage on United States-flag ocean vessels of at least 50 percent of all cargo which these agencies direct or generate through various Federal programs, including grant, guaranty, loan and advance of funds programs which are not subject to the Federal Procurement Regulations (FPR). Responsibility for administering Pub. L. 664 was given to the Secretary of Commerce under authority in the Merchant Marine Act of 1970, Pub. L. 91-469 (46 U.S.C. 1241(b)(2)).

EFFECTIVE DATE: November 1, 1977.

FOR FURTHER INFORMATION CON-
TACT:

Joseph A. Ryan, Jr., or S. Thomas Romeo, Maritime Administration, Office of Market Development, Washington, D.C. 20230, 202-377-3446.

SUPPLEMENTARY INFORMATION: These regulations are intended to state clearly that the United States vessel carriage requirements of Pub. L. 664 apply to the shipment of all ocean cargo which is directed or generated by United States Government agencies through Federal grant, guaranty, loan, and advance of funds programs. Specifically, these regulations provide guidelines as to acceptable suggested language, stating cargo preference requirements, to be incorporated in grant, guaranty, loan and advance of funds agreements between agencies and the recipients of such as-

sistance, as well as in contracts and sub-contracts resulting from such agreements.

Subsequent to the issuance of Part 381, the Maritime Administration began its liaison work with government agencies to secure their compliance with these rules. However, in its dealings with agencies which were administering grants, guaranties, loans and advance of funds programs, many of them commented that the regulations were not responsive to the peculiarities of their programs. As a result of these and other related comments from agencies on Part 381, these regulations were formulated to reflect the intent of Pub. L. 664. Accordingly, Part 381 of Title 46 of the Code of Federal Regulations is amended as follows:

1. A new paragraph (4) is added at the end of § 381.2(b) to read as follows:

§ 381.2 Definitions.

(b) * * *

(4) Procured, contracted for, or otherwise obtained within or outside of the United States with advance of funds, loans or guaranties made by or on behalf of the United States.

2. A new § 381.7 is added to read as follows:

§ 381.7 Federal Grant, Guaranty, Loan and Advance of Funds Agreements.

In order to insure a fair and reasonable participation by privately owned United States-flag commercial vessels in transporting cargoes which are subject to the Cargo Preference Act of 1954 and which are generated by U.S. Government Grant, Guaranty, Loan and/or Advance of Funds Programs, the head of each affected department or agency shall require appropriate clauses to be inserted in those Grant, Guaranty, Loan and/or Advance of Funds Agreements and all third party contracts executed between the borrower/grantee and other parties, where the possibility exists for ocean transportation of items procured, contracted for or otherwise obtained by or on behalf of the grantee, borrower, or any of their contractors or subcontractors. The clauses required by this Part shall provide that at least 50 percent of the freight revenue and tonnage of cargo generated by the U.S. Government Grant, Guaranty, Loan or Advance of Funds be transported on privately owned United States-flag commercial vessels. These clauses shall also require that all parties provide to the Maritime Administration the necessary shipment information as set forth in § 381.3. A copy of the appropriate clauses required by this Part shall be submitted by each affected agency or department to the Secretary, Maritime Administration, for approval no later than 30 days after the effective date of this Part. The following are suggested acceptable clauses with respect to the use of United States-flag vessels to be incorporated in the Grant,

Guaranty, Loan and/or Advance of Funds Agreements as well as contracts and subcontracts resulting therefrom:

(a) *Agreement Clauses.* "Use of United States-flag vessels:

"(1) Pursuant to Pub. L. 664 (46 U.S.C. 1241(b)) at least 50 percent of any equipment, materials or commodities procured, contracted for or otherwise obtained with funds granted, guaranteed, loaned, or advanced by the U.S. Government under this agreement, and which may be transported by ocean vessel, shall be transported on privately owned United States-flag commercial vessels, if available.

"(2) Within 20 days following the date of loading for shipments originating within the United States or within 30 working days following the date of loading for shipments originating outside the United States, a legible copy of a rated, 'on-board' commercial ocean bill-of-lading in English for each shipment of cargo described in paragraph (1) above shall be furnished to both the Contracting Officer (through the prime contractor in the case of subcontractor bills-of-lading) and to the Division of National Cargo, Office of Market Development, Maritime Administration, Washington, D.C. 20230."

(b) *Contractor and Subcontractor Clauses.* "Use of United States-flag vessels: The contractor agrees—

"(1) To utilize privately owned United States-flag commercial vessels to ship at least 50 percent of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners, and tankers) involved, whenever shipping any equipment, material, or commodities pursuant to this contract, to the extent such vessels are available at fair and reasonable rates for United States-flag commercial vessels.

"(2) To furnish within 20 days following the date of loading for shipments originating within the United States or within 30 working days following the date of loading for shipments originating outside the United States, a legible copy of a rated, 'on-board' commercial ocean bill-of-lading in English for each shipment of cargo described in paragraph (1) above to both the Contracting Officer (through the prime contractor in the case of subcontractor bills-of-lading) and to the Division of National Cargo, Office of Market Development, Maritime Administration, Washington, D.C. 20230.

"(3) To insert the substance of the provisions of this clause in all subcontracts issued pursuant to this contract."

AUTHORITY: Secs. 204(b), 212(d), and 901 (b), Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b), 1122(d), and 1241(b)). Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1961 (75 Stat. 840) as amended by Pub. L. 91-469 (84 Stat. 1036) and Department of Commerce Organization Order 10-8 (38 FR 19707, July 23, 1973).

Dated: October 25, 1977.

By Order of the Assistant Secretary for Maritime Affairs, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary, Maritime Administration,
[FR Doc. 77-31658 Filed 10-31-77; 8:45 am]

[1505-01]

Title 47—Telecommunications

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 17—CONSTRUCTION, MARKING AND LIGHTING OF ANTENNA STRUCTURES

Editorial Amendments Adopting Metric System of Measurements

Correction

In FR Doc. 77-29702 appearing on page 54823 in the issue for Tuesday, October 11, 1977 in the 3rd column, the last full paragraph should read:

§ 17.7 [Amended]

2. In § 17.7(a) change "200 feet" to "60.96 meters (200 feet)."

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 230 (Sub-No. 4)]

PART 1090—PRACTICES OF FOR-HIRE CARRIERS OF PROPERTY PARTICIPATING IN TRAILER-ON-FLATCAR SERVICE

Investigation To Consider Further Modification of Piggyback Service Regulations

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: This decision eliminates the circuitry limitation requirements for carriers participating in joint intermodal TOFC service which is to be provided in lieu of their authorized line-haul transportation.

EFFECTIVE DATE: December 1, 1977.
FOR FURTHER INFORMATION CONTACT:

Michael Erenberg, Assistant Deputy Director, Section of Operating Rights, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7292.

SUPPLEMENTARY INFORMATION: By notice and order entered October 12, 1976, the Interstate Commerce Commission instituted a rulemaking proceeding to determine whether there continues to be a need for any circuitry limitations on trailer-on-flatcar (TOFC) service and, if so, what the limitations should be in light of current economic conditions.

Previously the Commission had changed the circuitry limitation as it related to motor carriers so as to increase permissible circuitry reduction from 15 to 20 percent. In this proceeding the Commission has decided that (1) because the substituted service does not compete in significant direct ways with all-motor service, and (2) since there was no showing that there would be substantial adverse effects on existing motor or water carrier operations, the circuitry provisions at 49 CFR 1090.5 should be abolished and this part of the Code of Federal Regulations should be deleted.

The Commission adopted the environmental findings and environmental impact statement which accompanied the report and order in Operational Circuitry Reduction, TOFC Serv. Rules, 353 I.C.C. 1 (1976), since the decision herein was merely an extension of the former decision.

The above rule change was made under the authority of sections 12(1), 204 (a) (b), and 316(a) of the Interstate Commerce Act (49 U.S.C. 12(1), 304(a) (6), 553, and 559).

Issued at Washington, D.C.

H. G. HOMME, Jr.,
Acting Secretary.

Accordingly, Part 1090 of Chapter X of Title 49 of the Code of Federal Regulations is deleted.

The following sections are renumbered as follows:

§ 1090.6 [Renumbered § 1090.5]

Section 1090.6 is renumbered 1090.5—Responsibility for placing and securing trailers.

§ 1090.7 [Renumbered § 1090.6]

Section 1090.7 is renumbered 1090.6—Tariff publication regulations.

§ 1090.8 [Renumbered 1090.7]

Section 1090.8 is renumbered 1090.7—Billing and notification rules.

[FR Doc. 77-31610 Filed 10-31-77; 8:45 am]

[4710-01]

Title 45—Public Welfare

CHAPTER XIX—NATIONAL COMMISSION ON THE OBSERVANCE OF INTERNATIONAL WOMEN'S YEAR

PART 1901—GENERAL

PART 1905—NATIONAL WOMEN'S CONFERENCE, RULES OF ORDER

AGENCY: National Commission on the Observance of International Women's Year.

ACTION: Final rules.

SUMMARY: The National Commission on the Observance of International Women's Year adopts the rules of order for the conduct of the National Women's Conference and amends certain defini-

tions that apply to the National Women's Conference. The intent of these rules is to provide for the orderly conduct of business at the National Women's Conference in accordance with the authority vested in the Commission to organize and convene the Conference.

EFFECTIVE DATE: These rules and amendments are effective on October 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Linda Colvard Dorian, General Counsel, National Commission on the Observance of International Women's Year, D/IWY, Department of State, Washington, D.C. 20520, telephone 202-632-9002.

SUPPLEMENTARY INFORMATION: On September 23, 1977, the Commission published proposed rules of order for the National Conference (42 FR 48355) and requested that comments on the proposal be submitted to the Rules Committee. All comments submitted have been reviewed and the Commission has adopted the rules as originally proposed with the following changes.

The Commission has amended § 1905.4 to state that there will be no secret ballots or roll call votes based on the reality that permitting roll call votes or secret ballots would not permit the business of the Conference to be conducted in the amount of time available.

In finalizing these rules, the Commission has considered Robert's Rules of Order as well as deliberative assemblies such as the United States Senate and House of Representatives, depending on the size, nature and function of the body.

In addition, § 1905.7 has been amended to clarify that the Commission will establish the order of business and the proposed § 1905.11(c) has been deleted and § 1905.15 has been amended to read consistently with § 1905.7.

Section 1905.10(d) has been amended to permit the limitation of debate by a majority vote as is provided by the House of Representatives. Section 1905.10(e) has been added to clarify the Chair's right to call an executive session when necessary to insure the orderly conduct of the Conference.

The word "appeal" in § 1905.4 has been changed to "overrule" to clarify that the procedure intended is that which normally prevails.

Some comments were received suggesting alternative quorum requirements. Credential Committee operations, procedures for approving minutes and appointing parliamentarians but the Commission has reviewed them and found no need to change the proposed rules in these respects. Other comments received referred to registration, credentialing or other administrative details not properly addressed by these rules.

Accordingly, 45 CFR 1901 and 1905 are adopted in final form as set forth below.

Sec.

1901.1 Definitions of terms used in this chapter.

1901.2 Words importing gender.

AUTHORITY: E.O. 11832, 3 CFR 106, 40 FR 2415, January 13, 1975; Pub. L. 94-167, 89 Stat. 1003, December 23, 1975.

§ 1901.1 Definitions of terms used in this chapter.

(a) "Commission" means the National Commission on the Observance of International Women's Year, 1975 established by Executive Order 11832, 3 CFR 106, 40 FR 2415, January 13, 1975; Pub. L. 94-167, 89 Stat. 1003, December 23, 1975.

(b) "Conference" means the National Women's Conference to be organized and convened by the Commission in accordance with Pub. L. 94-167.

(c) "Coordinating Committee" means the Coordinating Committee in each State designated by the Commission to organize and conduct a meeting in the State in preparation for the National Women's Conference.

(d) "State" includes the fifty States and the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, unless otherwise specified.

(e) "State Meeting" means the meetings organized and conducted in each State by the Coordinating Committee in preparation for the National Women's Conference.

(f) "Act" means Pub. L. 94-167, 89 Stat. 1003, December 23, 1975.

(g) "Conference session," "plenary session," or "session" refers to the meetings which may be held at the following times:

Session I. November 19, morning.
Session II. November 19, afternoon.
Session III. November 19, evening.
Session IV. November 20, afternoon.
Session V. November 21, morning.

§ 1901.2 Words importing gender.

As used in this chapter, unless the context requires a different meaning, words importing the feminine gender include both genders.

Part 1905 is adopted as set forth below.

Subpart A—Call to Conference

Sec.

1905.1 Call to conference.

Subpart B—Voting Delegates and Voting

1905.2 Voting body.
1905.3 No proxy voting.
1905.4 Method of voting.
1905.5 Identification badges.

Subpart C—Registration for Plenary Session

1905.6 Registration.

Subpart D—Conduct of Conference Sessions

1905.7 Order of business.
1905.8 Designated seating.
1905.9 Quorum.
1905.10 Discussion and debate.
1905.11 Making motions.
1905.12 Credentials committee.

Sec.

1905.13 Timekeepers.
1905.14 Floor tellers.
1905.15 New business.
1905.16 Minutes.
1905.17 Interpretation of rules.
1905.18 Parliamentary authority.
1905.19 Conference officials.
1905.20 Committee of the Conference.

AUTHORITY: E.O. 11832, 40 FR 2415, January 18, 1975, Pub. L. 94-167, 89 Stat. 1003, December 23, 1975.

Subpart A—Call to Conference

§ 1905.1 Call to conference.

The Commission shall determine the time, place and the agenda of the Conference and shall issue official notice thereof to the Chair and to the Recording Secretary of each Coordinating Committee, to all delegates, and to the general public.

Subpart B—Voting Delegates and Voting

§ 1905.2 Voting body.

The voting body of the Conference shall consist of the following voting delegates:

(a) State delegates, certified as having been duly selected in accordance with applicable regulations;

(b) All current and past members of the Commission;

(c) Additional delegates-at-large designated by the Commission deemed necessary and appropriate to fulfill the requirements of Section 3(a) of Public Law 94-167;

(d) Alternate State delegates who have been properly certified in one of the following two ways:

(1) If the Commission receives proper notification by November 1, 1977, that a State delegate is unable to attend, the ranking alternate selected at the State Meeting will be permanently certified by the Commission as a State delegate; or

(2) The chair of the State delegation shall notify the Credentials Committee if she has been informed by a delegate in her State's delegation that such delegate is unable to attend or can no longer continue to participate in one or more sessions. Upon notification by the chair of the State delegation, the Credentials Committee will then certify the appropriate ranking alternate delegate present at the Conference as a delegate for her State for the appropriate session or sessions.

(3) In implementing the aforementioned rules, the following principles shall be controlling:

(i) An alternate has no right to participate as a voting delegate unless properly certified pursuant to paragraph (d) (1) or (2) of this section.

(ii) If a delegate has notified the chair of her State's delegation that she is unable to participate in any session and if she has been replaced by an alternate for that session according to the procedure in this section, she may not return and

be recertified as a voting delegate during any such session.

(iii) There shall be no alternate delegates for current and past members of the Commission and delegates-at-large.

§ 1905.3 No proxy voting.

There shall be no proxy voting. No individual shall have more than one vote.

§ 1905.4 Method of voting.

The regular method of voting shall be by standing vote, except that individuals with physical limitations may vote by raising their hands. A majority vote of those present and voting shall be required in order to overrule any ruling of the chair. There will be no secret ballots or roll call votes.

§ 1905.5 Identification badges.

Voting delegates and alternates shall have photo identification badges.

Subpart C—Registration for Plenary Sessions

§ 1905.6 Registration.

All persons who attend the plenary sessions (including press) must comply with registration requirements, including registering with name, address, identification, and payment of any required fee. Upon compliance with registration requirements each registrant shall be issued an identification badge as voter, special guest, observer, press or staff. Badges shall not be transferable and they must be visible at all meetings. Badges shall not be altered in any fashion.

Subpart D—Conduct of Conference Sessions

§ 1905.7 Order of business.

The Commission shall establish the order of business for the Conference when it issues the Call to the Conference according to § 1905.1. New business may be submitted and adopted in accordance with § 1905.15.

§ 1905.8 Designated seating.

Separate seating spaces shall be provided and clearly designated as follows:

(a) Current and past Commission members; (b) State delegates, seated by State delegation; (c) Delegates-at-Large; (d) Alternate State delegates; (e) Special guests; (f) Official observers; (g) Operational committees and Commission and Conference staff; (h) Duly registered press; and (i) Duly registered observers to the capacity of the meeting room.

Only persons wearing an appropriate badge shall be admitted to the plenary sessions by the Credentials monitors, and only to designated areas and at designated times in accordance with procedures established by the Commission and the Credentials Committee. Only voting delegates, authorized media personnel and authorized Commission and Conference staff shall be admitted to the floor for Conference sessions.

§ 1905.9 Quorum.

One-third of the duly registered voting delegates shall constitute a quorum for the plenary voting sessions.

§ 1905.10 Discussion and debate.

(a) In order to address the Conference, a voting delegate must address the chair, await recognition, give her name and identification and state whether she is speaking in the affirmative or the negative.

(b) Discussion on a motion or agenda topic shall be limited to two minutes for each speaker.

(c) No one may speak a second time on an issue until all others who wish to speak have had an opportunity to do so.

(d) Debate may be limited or terminated by a majority vote of those voting delegates present and voting.

(e) The Chair shall have the authority to call an executive session when she deems it necessary to insure the orderly conduct of the Conference. In the event the Chair exercises this authority, the hall shall be cleared of all observers.

§ 1905.11 Making motions.

(a) Only properly certified voting delegates may speak to issues, making motions or vote. All motions, except on procedural matters, shall be written and signed by the person who makes the motion. The Chair may require such written motion before action is taken.

(b) A majority vote of those voting delegates present and voting shall be required to table, or to postpone indefinitely, or to object to consideration.

§ 1905.12 Credentials committee.

A Credentials Committee shall be appointed by the Rules Committee. The Credentials Committee shall have authority and responsibility to resolve any questions of registration, voting rights, or admission to the Conference, and to report registrations to the Conference upon request of the Chair. List of State delegates and of delegates-at-large shall be provided to the Chair of the Credentials Committee prior to the opening of Conference registration. Duplications of such lists shall be prepared to facilitate the registration.

(a) No registrant will be permitted to obstruct the view or hearing of any other registrant by any device. Only persons authorized by the Commission shall be permitted to bring any electronic or sonic devices into the Conference. Any person violating these rules may be denied all Conference privileges and removed from the Conference.

(b) Any registrant may be requested at any time by the Credentials Committee to provide additional identification. The Credentials Committee may deny any or all Conference privileges to any registrant who lacks appropriate identification or abuses any Conference privilege or obstructs the orderly conduct of the Conferences.

(c) The Credentials Committee shall appoint sergeants-at-arms and credentials monitors as necessary to assist in the enforcement of the rules of the Conference.

§ 1905.13 Timekeepers.

Timekeepers shall be appointed by the Rules Committee to serve at all sessions. Their duty shall be to indicate to each speaker an appropriate warning before expiration of the time allowed.

§ 1905.14 Floor tellers.

Floor tellers shall be appointed by the Rules Committee to count, tabulate and report standing count votes. The floor tellers shall be assigned to definite sections of the conference floor. A record of the vote shall be entered in the minutes. During a vote count only floor tellers will be permitted to move about. All other persons except voting delegates shall leave the voting area.

§ 1905.15 New business.

Subject matter not embraced within the established order of business, in the judgment of the Chair, may be brought up under the heading of new business at the final session. Any such new business shall be submitted to the Recording Secretary in writing prior to the close of the session before the last plenary session in order that it may be read to the Conference body at the start of the last plenary session. A majority vote of those voting delegates present shall be required to consider such new business.

§ 1905.16 Minutes.

The recording secretary, who shall be appointed by the Rules Committee, shall be responsible for the preparation of the official minutes for all plenary sessions. Tape recording shall be provided for all plenary session discussions to aid in the preparation of accurate minutes by the designated Recorder or Recorders. Minutes shall be approved by the Chair of the Session and by the Presiding Officer of the Commission or her designate.

§ 1905.17 Interpretation of rules.

Any question regarding the interpretation of these rules shall be resolved by the Rules Committee.

§ 1905.18 Parliamentary authority.

(a) The Rules Committee shall appoint the parliamentarians who shall be advisors to the Chair. The rules in Roberts' Rules of Order Newly Revised, shall govern the plenary sessions of the Conference in all cases when not inconsistent with these rules.

(b) The format, agenda, order of business and seating arrangements shall be determined in all cases by the Commission. All discussion groups or other meetings of the Conference shall be governed by Roberts' Rules of Order Newly Revised whenever open debate is scheduled.

§ 1905.19 Conference officials.

At each plenary session there shall be in attendance a Chair, Vice-Chair, Federal officer, appointed pursuant to the requirements of the Federal Advisory Committee Act, the Chair of the Rules Committee or her designee, the Chair of the Credentials Committee or her designee, an official parliamentarian, timekeepers, tellers, a recording secretary

RULES AND REGULATIONS

and credentials monitors. The Chair and Vice-Chair for each plenary session shall be appointed by the Commission.

§ 1905.20 Committee of the conference.

Pursuant to Section 3(b)(7) of Public Law 94-167 the Conference shall establish a Committee of the Conference which will take steps to provide for the convening of a second National Women's Conference.

Dated: October 28, 1977.

ELIZABETH ATHANASAKOS,
*Co-Chair, Rules Committee, Na-
tional Commission on the Ob-
servance of International
Women's Year.*

HARRY T. EDWARDS,
*Co-Chair, Rules Committee, Na-
tional Commission on the Ob-
servance of International
Women's Year.*

[FR Doc. 77-31746 Filed 10-31-77; 8:45 am]