

PROPOSED RULES

(2) Award contract for required control equipment by June 9, 1978.

(3) Commence on-site construction or installation of control equipment by June 19, 1978.

(4) Complete construction or installation of control equipment by January 31, 1979.

(5) Submit proof of final compliance by March 1, 1979.

The source has consented to the terms of the order and has agreed to meet the order's increments during the period of this informal rulemaking. The source is required to submit monthly coal analysis data in order to monitor emissions prior to the demonstration of final compliance. As an interim control the visible emissions from the noncomplying indirect heat exchanger shall not exceed 65 percent capacity at any time prior to the installation of controls.

Because this order has been issued to a major source of particulate matter emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a delayed compliance order under section 113(d) of the Clean Air Act (the Act). EPA may approve the order only if it satisfies the appropriate requirements of this subsection. EPA has tentatively determined that the above referenced order satisfies these requirements.

If the order is approved by EPA, source compliance with its terms would preclude federal enforcement action under section 113 of the Act against the source for violations of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provision of the Act (section 304) would be similarly precluded. If approved, the order would also constitute an addition to the Kentucky SIP. Compliance with the proposed order will not exempt the company from the requirements contained in any subsequent revisions to the SIP which are approved by EPA.

All interested persons are invited to submit written comments on the proposed order. Written comments received by the date specified above will be considered in determining whether EPA may approve the order.

After the public comment period, the Administrator of EPA will publish in the FEDERAL REGISTER the Agency's final action on the order in 40 CFR Part 65.

The provisions of 40 CFR Part 65 will be promulgated by EPA soon, and will contain the procedure for EPA's issuance, approval, and disapproval of orders under section 113(d) of the Act. In addition, part 654 will contain sections summarizing orders issued, approved, and disapproved by EPA. A prior notice proposing regulations for part 65, published at 40 FR 14876 (April 2, 1975), will be withdrawn, and

replaced by a notice promulgating these new regulations.

Authority: 42 U.S.C. 7413, 7601.

Dated: July 28, 1978.

PAUL TRAINA,
Acting Regional Administrator,
Region IV.

[FR Doc. 78-23872 Filed 8-24-78; 8:45 am]

[6560-01]

[40 CFR Part 65]

[FRL 953-6]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Approval of an Administrative Order Issued by Ohio Environmental Protection Agency To City of Akron

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve an administrative order issued by the Ohio Environmental Protection Agency to the city of Akron. The order requires the company to bring air emissions from its sludge incinerators in Akron, Ohio, into compliance with certain regulations contained in the federally approved Ohio State implementation plan (SIP) by July 1, 1979. Because the order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance order under the Clean Air Act (the Act). If approved by EPA, the order will constitute an addition to the SIP. In addition, a source in compliance with an approved order may not be sued under the Federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the order. The purpose of this notice is to invite public comment on EPA's proposed approval of the order as a delayed compliance order.

DATE: Written comments must be received on or before September 25, 1978.

ADDRESSEES: Comments should be submitted to and copies of the Order available from: Director, Enforcement Division, EPA, Region V, 230 South Dearborn Street, Chicago, Ill. 60604. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Roger M. Grimes, U.S. Environmental Protection Agency, Enforcement Division, 230 South Dearborn Street, Chicago, Ill. 60604 312-353-2082.

SUPPLEMENTARY INFORMATION: The city of Akron operates four sludge incinerators at Akron, Ohio. The order under consideration addresses emissions from the stacks of each incinerator at the facility, which are subject to Ohio Administrative Code (OAC) 3745-17-09 and OAC 3745-17-07. The regulation limits the emissions of particulate matter, and is part of the federally approved Ohio State implementation plan. The order requires final compliance with the regulation July 1, 1979, through rebuilding of incinerators and installation of pollution control equipment.

Because this order has been issued to a major source of particulate matter emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a delayed compliance order under section 113(d) of the Clean Air Act (the Act). EPA may approve the order only if it satisfies the appropriate requirements of this subsection.

If the order is approved by EPA, source compliance with its terms would preclude Federal enforcement action under section 113 of the Act against the source for violations of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provision of the Act (section 304) would be similarly precluded. If approved, the order would also constitute an addition to the Ohio SIP.

All interested persons are invited to submit written comments on the proposed order. Written comments received by the date specified above will be considered in determining whether EPA may approve the order. After the public comment period, the Administrator of EPA will publish in the FEDERAL REGISTER the Agency's final action on the order in 40 CFR Part 65.

The provisions of 40 CFR Part 65 will be promulgated by EPA soon, and will contain the procedure for EPA's issuance, approval, and disapproval of orders under section 113(d) of the Act. In addition, part 65 will contain sections summarizing orders issued, approved, and disapproved by EPA. A prior notice proposing regulations for part 65, published at 40 FR 14876 (April 2, 1975), will be withdrawn, and replaced by a notice promulgating these new regulations.

(Authority: 42 U.S.C. 7413, 7601.)

Dated: August 10, 1978.

VALDAS V. ADAMKUS,
Acting Regional Administrator,
Region V.

[FR Doc. 78-23873 Filed 8-24-78; 8:45 am]

[6560-01]

[40 CFR Part 761]

[FRL 955-1]

POLYCHLORINATED BIPHENYLS (PCB's)

Manufacturing, Processing, Distribution in
Commerce, and Use Bans; Clarification

AGENCY: Environmental Protection Agency.

ACTION: Clarification of contents of Official Record of Proposed Rulemaking.

SUMMARY: This notice clarifies that the official record of rulemaking for the proposed PCB ban regulation includes the official record for the Administrator's promulgation of toxic pollutant effluent standards for PCB's under section 307(a) of the Clean Water Act.

FOR FURTHER INFORMATION CONTACT:

Peter P. Principe, Office of Toxic Substances (TS-794), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, telephone 202-755-0920.

SUPPLEMENTARY INFORMATION: On June 7, 1978, the Environmental Protection Agency published a proposed regulation concerning PCB manufacturing, processing, distribution in commerce, and use bans (43 FR 24802). On page 24813, second column of the proposal, EPA stated: "In addition, all reports and articles referenced in the USEPA OTS Support Document Voluntary EIS are included in the Official Record. The record for the section 307 Water Effluent Standards for PCB's may be examined by the public at the Office of Hearing Clerk, Room 3708A, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460."

EPA wishes to clarify that the official record of rulemaking for the proposed PCB ban regulation includes the Official Record for the Administrator's promulgation of toxic pollutant effluent standards for PCB's under section 307(a) of the Clean Water Act (42 FR 6532-6555, February 2, 1977). The record for the PCB effluent standards may be examined by the public as indicated above and may be cited as "In the Matter of: Proposed Toxic Pollutant Effluent Standards for Polychlorinated Biphenyls (PCB's), FWPCA (307), Docket No. 4."

Dated: August 21, 1978.

STEVEN D. JELLINEK,
Assistant Administrator
for Toxic Substances.

[FR Doc. 78-24024 Filed 8-24-78; 8:45 am]

[4510-27]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

[41 CFR Part 60-20]

EXECUTIVE ORDER 11246—EMPLOYEE BENEFITS

Amendment to Regulations

AGENCY: Office of Federal Contract Compliance Programs, Department of Labor.

ACTION: Proposed amendment to regulations.

SUMMARY: The Office of Federal Contract Compliance Programs' sex discrimination guidelines presently provide, with respect to insurance, pensions, welfare programs, and other similar "fringe benefits," that the guidelines are not violated where employer contributions for such programs are equal for men and women or where the resulting benefits are equal. See 41 CFR 60-20.3(c). The Secretary of Labor proposes to amend these regulations to make clear that Executive Order 11246, as amended by Executive Order 11375, and the regulations at 41 CFR 60-20.3(c) are violated if (1) a differential in benefits is based on differences between the cost to the employer of providing benefits to women as a group and the cost of providing benefits to men as a group, or (2) employees of one sex are required to make greater contributions from their wages than are employees of the opposite sex in order to receive equal benefits.

DATE: Comments on this proposal will be received until October 23, 1978.

ADDRESS: Send comments to the Director, Office of Federal Contract Compliance Programs, Room C-3324, New Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C. 20210. Comments received will be available for inspection during regular working hours at the above address.

FOR FURTHER INFORMATION CONTACT:

Doris P. Wooten, Acting Associate Director, Office of Federal Contract Compliance Programs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

SUPPLEMENTARY INFORMATION: The Department of Labor recognizes the need for meaningful enforcement of those Federal equal employment opportunity laws which it administers and the importance of achieving a reasonable degree of consistency among the several Federal equal employment opportunity agencies in interpreting the requirements of Executive Order 11246, as amended, and title VII of the Civil Rights Act of 1964, as amended. Achieving the desired level of inter-agency consistency among agency requirements concerning sex discrimination in the administration of insurance, pension, and retirement benefit programs has been particularly troublesome. The Administrator of the Department of Labor's Wage and Hour Division originally ruled that the requirements of the Equal Pay Act would be met if an employer made equal contributions for male and female employees or if the resulting benefits were equal. This interpretation was originally followed by the Office of Federal Contract Compliance Programs (OFCCP) in administering Executive Order 11246, as amended. In 1972, the EEOC amended its guidelines to state explicitly that it was unlawful for an employer to have an insurance, pension, or retirement plan which differentiates in benefits paid on the basis of sex.

Similarly, the Administrator of the Department of Labor's Wage and Hour Division today has proposed an amendment to the interpretive bulletin on the Equal Pay Act which makes clear that employee benefits are "wages" within the Equal Pay Act, that any differential in such benefits based on sex-based actuarial distinctions violates the act, and that any sex-based differential in required employee contributions toward equal benefits violates the act.

In consideration of the foregoing and in consideration of the reasons expressed in support of Wage and Hour Division's proposed amendment, it is proposed to amend 41 CFR 60-20.3(c) as set forth below.

This document was prepared under the direction and control of Weldon J. Rougeau, Director, OFCCP.

Dated: August 18, 1978.

RAY MARSHALL,
Secretary of Labor.

DONALD ELISBURG,
Assistant Secretary
Employment Standards
Administration.

RICHARD J. DEVINE,
Acting Director, Office of Federal
Contract Compliance Programs.

§ 60-20.3 Job policies and practices.

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(c) The employer must not make any distinction based upon sex in employment opportunities, wages, hours, or other conditions of employment. In the area of employer contributions for insurance, pensions, welfare programs, and other similar "fringe benefits," a differential in benefits based upon differences between the cost to the employer of providing benefits to women as a group and the cost of providing benefits to men as a group violates Executive Order 11246, as amended by Executive Order 11375, and these regulations. Similarly, Executive Order 11246, as amended by Executive Order 11375, and these regulations are violated if employees of one sex are required to make greater contributions from their wages than are employees of the opposite sex in order to receive equal benefits.

[FR Doc. 78-23732 Filed 8-24-78; 8:45 am]

[4110-35]

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Health Care Financing Administration

[42 CFR Part 405]

**FEDERAL HEALTH INSURANCE FOR THE AGED
AND DISABLED**

Review of Provider Reimbursement Review
Board Decision

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Notice of Decision to Issue Regulations.

SUMMARY: This proposal would specify the criteria and procedures for review of Provider Reimbursement Review Board Decisions by the Administrator, HCFA. The amendment is necessary to resolve current confusion concerning the procedures and to comply with the Administrative Procedure Act. The intent is to assure uniform, expeditious handling of all cases and a single Departmental position on similar matters.

FOR FURTHER INFORMATION CONTACT:

Erica L. Gosnell, Office of Attorney-Advisor, Room G-50, Altmeyer Building, Baltimore, Md. 21235, phone 301-594-5132.

Dated: August 17, 1978.

WILLIAM D. FULLERTON,
*Acting Administrator, Health
Care Financing Administration.*

[FR Doc. 78-24000 Filed 8-24-78; 8:45 am]

[4110-35]

[42 CFR Part 405]

**FEDERAL HEALTH INSURANCE FOR THE AGED
AND DISABLED**

Hospital Insurance: Entitlement, Deductible,
and Coinsurance Requirements

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Notice of decision to revise regulations.

SUMMARY: The proposed regulations would reorganize, simplify, and clarify certain portions of the Medicare, Part A regulations so that beneficiaries and potential beneficiaries can more easily understand the conditions that would make them eligible for Medicare and how much money they would have to contribute toward the cost of their hospital care. This revision will be part of "Operation Common Sense," the Department's commitment to revise and recodify its regulations to promote public understanding.

FOR FURTHER INFORMATION CONTACT:

John B. Russell, Medicare Bureau, room 1-H-5 East Building, 6401 Security Boulevard, Baltimore, Md. 21235, telephone 301-594-8260.

Dated: August 17, 1978.

WILLIAM D. FULLERTON,
*Acting Administrator, Health
Care Financing Administration.*

[FR Doc. 78-24012 Filed 8-24-78; 8:45 am]

[4110-35]

[42 CFR Part 405]

**FEDERAL HEALTH INSURANCE FOR THE AGED
AND DISABLED**

Conditions of Participation: Hospitals

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Notice of decision to revise regulations.

SUMMARY: Current regulations specify in detail the health and safety requirements that hospitals must meet to participate in the Medicare-Medicaid programs. They have been in effect over 10 years. We are proposing to revise the regulations because of changes in methods of health care delivery, the need to control the increasing cost of hospital care, and our commitment to simplify HEW regulations. The intent of the revision is to retain the basic principles of the existing requirements but allow hospitals greater flexibility in their use of staff and other resources.

FOR FURTHER INFORMATION CONTACT:

Janet M. Harryman, room 301, East High Rise, 6401 Security Boulevard, Baltimore, Md. 20235, telephone 301-594-712.

Dated: August 17, 1978.

WILLIAM D. FULLERTON,
*Acting Administrator, Health
Care Financing Administration.*

[FR Doc. 78-24013 Filed 8-24-78; 8:45 am]

[4110-35]

[42 CFR Parts 405 and 449]

**FEDERAL HEALTH INSURANCE FOR THE AGED
AND DISABLED; SERVICES AND PAYMENT IN
MEDICAL ASSISTANCE PROGRAMS**

Conditions of Participation: Skilled Nursing
Facilities and Intermediate Care Facilities

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Notice of decision to revise regulations.

SUMMARY: The Department is recodifying, revising, and consolidating the present regulations governing participation of Skilled Nursing Facilities (SNF's) and Intermediate Care Facilities (ICF's) in the Medicare and Medicaid programs.

In keeping with our commitment to simplify regulations, we plan to retain the basic principles of current requirements while allowing the providers greater flexibility in their use of resources. We believe this will permit cost control, without jeopardizing the health or safety of patients, employees, or the public.

FOR FURTHER INFORMATION CONTACT:

Constance A. Conrad, Health Care Financing Administration, East Building, High Rise, Room 300, 6401 Security Boulevard, Baltimore, Md. 21235, 301-594-9722.

Dated: August 17, 1978.

WILLIAM D. FULLERTON,
*Acting Administrator, Health
Care Financing Administration.*

[FR Doc. 78-24014 Filed 8-24-78; 8:45 am]

[6712-01]

**FEDERAL COMMUNICATIONS
COMMISSION**

[47 CFR Part 73]

[BC Docket No. 78-264; RM-3121]

**FM BROADCAST STATIONS IN WHITEHOUSE
AND TYLER, TEX.**

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.