

policy-making employees and tenured employees at institutions of higher education were published in the *Federal Register* on December 12, 1978. Proposed interpretations concerning the prohibition of mandatory retirement up until age 70 may be expected in the near future. Also to conform with changes in ADEA coverage under the Fair Labor Standards Act Amendments of 1974 and the 1978 ADEA amendments, minor proposed revisions may be expected (early next year) in sections of these interpretations concerning the definitions of "employer" and discrimination within the age range covered under the Act.

Contact: Francis V. LaRuffa, Chief, Branch of Age Discrimination, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S3502, Washington, D.C. 20210 (202) 523-7640.

Regulatory Analysis: A regulatory analysis was not prepared.

Action: Responsibility transferred to the Equal Employment Opportunity Commission.

29 CFR Part 2520—Elimination of Form EBS-1.

A revision of certain reporting requirements will be proposed to eliminate the need for employee benefit plans to file a Plan Description Form EBS-1 with the Department.

Basis for Action: The revision is intended to eliminate duplicative reporting and reduce the paperwork burden imposed by ERISA.

Contact: Peter Straub, Pension and Welfare Benefit Programs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N4472, Washington, D.C. 20210 (202) 523-8377.

Regulatory Analysis: A regulatory analysis was not required.

Action: A final regulation was published.

29 CFR 92.1-92.9—Labor Management Services Administration Regulations to be Issued Governing Employee Benefit Payments Under the Redwood National Park Expansion Act (Pub. L. 95-250)

These provisions will define the eligibility criteria which employees must meet in order to receive benefits under the Act.

Basis for action: These regulations were necessary to implement Section 102(b) and Sections 103(d)-103(i) of title I and all of title II of Pub. L. 95-250.

Contact: Ron Glass, Division of Employee Protections, Labor-Management Services Administration, U.S. Department of Labor, Room N5641, 200 Constitution Avenue, N.W., Washington, D.C. 20210 (202) 523-6495.

Regulatory Analysis: A regulatory analysis was not required.

Action: A final regulation was published.

30 CFR Part 46—State Grants Regulations

Basis for Action: To improve regulations implementing Sections 503 of FMSHA.

Contact: Frank A. White, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203 (703) 235-1910.

Regulatory Analysis: A regulatory analysis was not required.

Action: A final regulation was published.

30 CFR Parts 55, 56, and 57—Miscellaneous Amendments Including Standards for Exposure to Radon Daughters (Part 57 only)

Basis for action: To implement improved safety and health standards under Section 301 of the Amendments Act.

Contact: Frank A. White, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203 (703) 235-1910.

Regulatory Analysis: A regulatory analysis was not required.

Action: Final regulation was published.

C. The following officials shall serve on the Department of Labor's Regulatory Review Panel:

Chair: The Under Secretary of Labor.

Members:

The Solicitor of Labor;
The Assistant Secretary for Labor-Management Standards;
The Assistant Secretary for Employment Standards;
The Assistant Secretary for Policy Evaluation and Research;
The Assistant Secretary for Employment and Training;
The Assistant Secretary for Occupational Safety and Health
The Assistant Secretary for Mine Safety and Health;
The Assistant Secretary for Administration and Management;
The Inspector General;
The Commissioner of Labor Statistics;
The Deputy Under Secretary for International Labor Affairs; and
The Deputy Under Secretary for Legislation and Intergovernmental Relations.

Executive Secretary: A designated Special Assistant to the Secretary.

Signed this 22nd day of August, 1979 at Washington, D.C.

Ray Marshall,
Secretary of Labor.

[FR Doc. 79-28755 Filed 8-27-79; 8:45 am]

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 16, 56, 71, 171, 180, 310, 312, 314, 320, 330, 361, 430, 431, 601, 630, 1003, and 1010]

[Docket No. 77N-0350]

Protection of Human Subjects; Standards for Institutional Review Boards for Clinical Investigations; Waiver of Requirement

AGENCY: Food and Drug Administration.

ACTION: Waiver of Requirement.

SUMMARY: The Food and Drug Administration (FDA) is waiving the requirement for submitting a summary of the presentation as part of the written notice of participation for a public hearing on "Standards for Institutional Review Boards for Clinical Investigations" for the scheduled September 18, 1979 hearing in Bethesda, MD. The agency is also correcting the date for the San Francisco hearing by changing the date from October 2, 1979 to October 3, 1979.

DATES: Public hearings on September 18, October 3, and October 16, 1979. Written notices of participation required by September 4, September 18, and October 2, 1979.

ADDRESS: Written comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: John C. Petricciani, Bureau of Biologics (HFB-4), Food and Drug Administration, Department of Health, Education, and Welfare, 8800 Rockville Pike, Bethesda, MD 20205, 301-496-9320.

SUPPLEMENTARY INFORMATION: In the *Federal Register* of August 14, 1979 (44 FR 47699), FDA announced public hearings on proposed standards for institutional review boards (IRB's) for clinical investigations. One of these public hearings is scheduled for Bethesda, MD, on September 18, 1979.

Under the requirements of 21 CFR 15.21, a written notice of participation must be filed with the FDA Hearing Clerk. The written notice of participation requires the name, address, and telephone number of the

person desiring to make a statement, along with any business affiliation, a summary of the scope of the presentation with references to the appropriate subpart of the proposed regulations, and the approximate amount of time requested for the presentation. The written notices of participation were required to be submitted not later than September 4, 1979 for the Bethesda, MD, hearing.

The agency received telephoned comments from persons interested in participating in the September 18, 1979 hearing at Bethesda, MD, indicating that there is inadequate time to prepare and submit the required summary of the presentation by the September 4, 1979 deadline.

The agency agrees with these comments and is therefore waiving the requirement to submit a summary of the presentation for the September 18, 1979 hearing in Bethesda, MD, only. Because the San Francisco and Houston hearings are scheduled for October 3 and October 16, respectively, persons interested in participating in the other hearings have sufficient time to prepare a summary and will be required to submit this information with the notice of participation required for those hearings.

This action is not expected to have any adverse effect on the scheduled September 18, 1979 hearing at Bethesda, MD, for either the public or the agency.

The agency is also correcting the date for the San Francisco hearing specified in the August 14, 1979 *Federal Register* announcement. This announcement inadvertently identified the date for the San Francisco hearing as October 2, 1979. The correct date for this hearing is October 3, 1979.

Dated: August 23, 1979.

Joseph P. Hille,
Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26795 Filed 8-24-79; 11:11 am]

BILLING CODE 4110-03-M

[21 CFR Part 74]

[Docket No. 77C-0276]

Listing of Color Additives Subject to Certification; D&C Orange No. 4

AGENCY: Food and Drug Administration.
ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) proposes to revise the specifications for D&C Orange No. 4 by adding a tolerance for 4,4'-(diazooamino)-dibenzenesulfonic acid. This revision is necessary because a tolerance for 4,4'-(diazooamino)-

dibenzenesulfonic acid was inadvertently omitted in the listing regulation for D&C Orange No. 4.

DATE: Comments by October 29, 1979.

ADDRESS: Written comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Gerald L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: A regulation published in the *Federal Register* of September 30, 1977 (42 FR 52395) listed D&C Orange No. 4 for use in externally applied drugs and cosmetics (see §§ 74.1254 and 74.2254 (21 CFR 74.1254 and 74.2254)). A final rule published in the *Federal Register* of April 7, 1978 (43 FR 14641) confirmed the effective date of November 1, 1977 for the "permanent" listing of D&C Orange No. 4, and also revised the specifications for total color and the sum of volatile matter and chlorides and sulfates (as sodium salts) in response to two objections to the regulation. The revision became effective on April 7, 1978.

The agency has recently become aware that the specifications for D&C Orange No. 4 do not include a tolerance for 4,4'-(diazooamino)-dibenzenesulfonic acid (DAADBSA). A tolerance of not more than 0.1 percent DAADBSA was inadvertently omitted from the specifications when the final regulation was published in the *Federal Register*. FDA has determined, consistent with its policy on the certification of color additives, as well as with the requirement necessary to establish the safety of D&C Orange No. 4, that the tolerance of DAADBSA should be included as originally intended in the specifications for D&C Orange No. 4.

After reviewing the analytical data, FDA has concluded that a tolerance of not more than 0.1 percent for DAADBSA can be met when good manufacturing practices are employed in the production of D&C Orange No. 4.

FDA has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. A copy of the environmental impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 706(b), (c), and (d), 74 Stat. 399-403 as amended (21

U.S.C 376(b), (c), and (d))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), it is proposed that Part 74 be amended in § 74.1254 by inserting, after the entry for "subsidiary colors" in the specifications in paragraph (b), a new entry to read as follows:

§ 74.1254 D&C Orange No. 4.

* * * * *

(b) * * *
4,4'-(diazooamino)-dibenzenesulfonic acid, not more than 0.1 percent.

* * * * *

Interested persons may, on or before October 29, 1979, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office, between 9 a.m. and 4 p.m., Monday through Friday.

In accordance with Executive Order 12044, the economic effects of this proposal have been carefully analyzed, and it has been determined that the proposed rulemaking does not involve major economic consequences as defined by that order. A copy of the regulatory analysis assessment supporting this determination is on file with the Hearing Clerk, Food and Drug Administration.

Dated: August 17, 1979.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26647 Filed 8-27-79; 8:45 am]

BILLING 4110-03-M

[21 CFR Part 184]

[Docket No. 78N-0369]

Whey, Whey Products, and Hydrogen Peroxide; Affirmation of GrAS Status as Direct Human Food Ingredients; Extension of Comment Period

AGENCY: Food and Drug Administration.
ACTION: Extension of Comment Period.

SUMMARY: The agency extends the comment period on its proposal to affirm the generally recognized as safe (GRAS) status of whey and whey products as direct human food ingredients and hydrogen peroxide for use as an antimicrobial agent in cheesemaking and whey processing. This action is taken in response to a request for extension of the comment period.

DATE: Written comments by September 20, 1979.

ADDRESS: Written comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: In the Federal Register of June 22, 1979 (44 FR 36416), the Food and Drug Administration proposed to affirm the GRAS status of whey and whey products as direct human food ingredients and of hydrogen peroxide for use as an antimicrobial agent in cheesemaking and whey processing. Interested persons were invited to submit comments on the proposal by August 21, 1979.

Kraft Co., Chicago, Illinois, requested a 30-day extension of the comment period, to September 20, 1979, to allow sufficient time to prepare comments on the proposal.

The agency considers the opportunity to comment on GRAS affirmation proposals to be an important part of the GRAS review process. It has determined that an extension of the comment period for this proposal would be appropriate, and that the additional time should be extended to all interested persons.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), the comment period for the GRAS affirmation proposal for whey, whey products, and hydrogen peroxide is extended to September 20, 1979.

Interested persons may, on or before September 20, 1979, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 23, 1979.

Joseph P. Hile,
Associate Commissioner for Regulatory
Affairs.

[FR Doc. 79-26766 Filed 8-24-79; 11:11 am]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

[CC-EE-180-78]

Income tax; Treatment of Proceeds From Bingo Games

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the treatment of proceeds from bingo games. Changes to the applicable tax law were made by the Act of October 21, 1978. The regulations would provide the public with the guidance needed to comply with that Act and would affect exempt organizations and political organizations that conduct bingo games.

DATES: Written comments and requests for a public hearing must be delivered or mailed by October 29, 1979. The amendments are proposed to be effective for exempt organizations for taxable years beginning after December 31, 1969, and for political organizations for taxable years beginning after December 31 1974.

ADDRESS: Send comments and request for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T:EE-180-78, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Kerby of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T:EE-180-78, 202-566-3422, (Not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 513 and 527 of the Internal Revenue Code of 1954, as amended by sections 301 and 302 of the Act of October 21, 1978 (P.L. 95-502; 92 Stat. 1702). The amendments are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Exempt Organizations

A tax exempt organization is generally taxed on the income received from any "unrelated trade or business" conducted by the organization. Under prior law, a bingo game conducted by an exempt organization generally constituted an unrelated trade or business. Under Pub. L. 95-502, the term "unrelated trade or business" does not include the conducting of bingo games.

Political Organizations

A political organization is taxed on the income it receives that is not "exempt function income." Under prior law, proceeds from bingo games were not exempt function income and were, therefore, included in the taxable income of a political organization. Pub. L. 95-502 redefines the term "exempt function income" to include proceeds from bingo games.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the Federal Register.

Drafting Information

The principal author of these proposed regulations was Charles Kerby of the Employee Plans and Exempt Organizations Division of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Part 1 are as follows:

Paragraph 1. There is added in the appropriate place the following new section:

§ 1.513-5 Certain bingo games not unrelated trade or business.

(a) *In general.* Under section 513(f), and subject to the limitations in paragraph (c) of this section, in the case of an organization subject to the tax imposed by section 511, the term "unrelated trade or business" does not include any trade or business that