typographical errors and minor errors in the text submitted for publication.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, U.S. Water Resources Council, 2120 L Street N.W., Washington, D.C. 20037 (202-254-6453).

The following corrections are made in the procedures for evaluation of national economic development benefits and costs and other social effects that appeared on page 64448 in the issue of September 29, 1980.

1. On page 64450, column one, the third response is corrected by inserting "(1)" between "(i)" and "(iii)." The corrected citation reads "713.807(i)(1)(iii)".

2. Page 64458 is corrected by replacing Table 713.811-2 with the following Table 713.811-2.

Table 713.811-2—*Typical Vessel Dimension of Vessel Fleet by Type and Deadweight Tonnage*

Type	Vessel characteristics			
	DWT	Length	Beam	Draft, loaded

3. On page 64463, column one, in § 713.1011 the citation in paragraph (b) is corrected to read "§ 713.1005(a)(2)" and the citation in paragraph (c) is corrected to read "§ 713.1005(a)(4)."

4. On page 64463, column two, the last sentence in § 713.1017(a) is corrected by inserting "be" between "may appear to" and "a positive effect."

5. On page 64465, column one, the first sentence in § 716.303(e) is corrected by deleting the comma after "regardless of height."

6. On page 64465, column three, the section number for "Report and display procedures" is corrected to read "§ 716.309."

Issued on October 29, 1980.

Gerald D. Seinwill,

Acting Director.

[FR Doc. 80-34303 Filed 11-3-80; 8:45 am]

BILLING CODE 8410-01-M

18 CFR Part 714

Environmental Quality Evaluation Procedures for Level C Water Resources Planning; Correction

AGENCY: U.S. Water Resources Council.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule on environmental quality evaluation procedures that appeared at page 64402 in the **Federal Register** of Monday, September 29, 1980 (45 FR 64402). The action is necessary to correct both typographical errors and minor errors in the text submitted for publication.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, U.S. Water Resources Council, 2120 L Street, NW., Washington, D.C. 20037 (202-254-6453).

The following corrections are made in the environmental quality evaluation procedures that appeared on page 64402 in the issue of September 29, 1980.

1. On page 64405, column three, the second comment is corrected by inserting "and" between "account" and "effects."

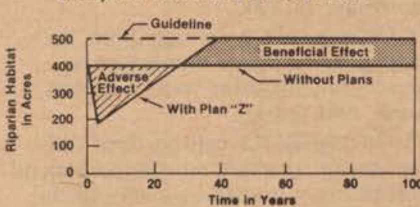
2. On page 64412, column three, the second response is corrected by replacing "(b)" with "(6)."

3. On page 64416, column one, § 714.200, the definition of EQ account is corrected by replacing "is" with "describes."

4. On page 64424, column one, § 714.411(c)(1)(iv) is corrected to read "Charters, bylaws, and formal policy statements of private groups. Examples are the National Audubon Society Blue List of Species, properties of the National Trust for Historic Preservation, and properties of the Nature Conservancy." A related correction is made in column two by deleting the three lines immediately following Table 714.411.

5. Page 64432 is corrected by replacing Figure 714.441-3 with the following Figure 714.441.3.

Figure 714.441-3
Example of Beneficial & Adverse Effects



6. On page 64433, column three, Appendix A, (a)(1)(vi) is corrected by replacing "Describe" with "Identify."

Issued on: October 29, 1980.

Gerald D. Seinwill,

Acting Director.

[FR Doc. 80-34304 Filed 11-3-80; 8:45 am]

BILLING CODE 8410-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 444

[Docket No. 80N-0187; DESI 8674]

Oligosaccharide Antibiotic Drugs; Antibiotic Otic Preparations; Confirmation of Effective Date and Amendment

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) confirms the effective date of October 29, 1974 of a final rule which revoked provisions for certification of a neomycin sulfate-sodium propionate-prednisolone acetate otic solution and updates the affected antibiotic monograph to reflect the revocation.

EFFECTIVE DATES: October 29, 1974 for the revocation and November 4, 1980, for this amendment.

FOR FURTHER INFORMATION CONTACT: Suzanne O'Shea, Bureau of Drugs (HFD-32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice (DESI 8674, Docket No. FDC-D-677; now Docket No. 80N-0187) published in the **Federal Register** of September 19, 1974 (39 FR 33665), FDA published an order to revoke 21 CFR 444.442a which provided for certification of neomycin sulfate-sodium propionate otic solution and neomycin sulfate-sodium propionate-prednisolone acetate otic solution. The revocation was to take effect on October 29, 1974, unless a hearing was requested on the revocation. The notice stated that if a hearing were requested, the effective date would be extended as necessary. Two products were certifiable under the regulation:

(1) NDA 50-364; Otobiotic Otic Solution; containing neomycin sulfate and sodium propionate; Schering Corp., Galloping Hill Rd., Kenilworth, NJ 07033, and

(2) NDA 50-363; Otobione Otic Drops; containing neomycin sulfate, sodium propionate, and prednisolone acetate; Schering Corp.

Schering Corp. requested a hearing on Otobiotic Otic Solution, but it did not request a hearing on Otobione Otic Drops. In a notice published in the **Federal Register** of March 14, 1975 (40 FR 11870), FDA stayed the revocation of § 444.442a pending completion of a review of the information Schering Corp. submitted to support its hearing request. That information is under review, and Otobiotic Otic Solution is not affected by this notice.

The March 14, 1975 notice inadvertently stayed the revocation of § 444.442a in its entirety. No hearing was requested for the neomycin sulfate-sodium propionate-prednisolone acetate product. A manufacturer's failure to request a hearing constitutes a waiver of its opportunity for a hearing. Therefore, the March 14, 1975 **Federal Register** notice should have stayed the effective date of only that portion of 21 CFR 444.442a which refers to neomycin sulfate-sodium propionate otic solution and updated the section to make it applicable only to products of that composition. Notice is given that no hearing was requested for any product certifiable under the portion of 21 CFR 444.442a which refers to neomycin sulfate-sodium propionate-prednisolone acetate otic solution. The effective date of that portion of the regulation is not extended, and the October 29, 1974 effective date is hereby confirmed.

FDA has approved Schering Corp.'s Form 6 for a reformulated Otobione Otic Suspension (NDA 61-816) containing neomycin sulfate, polymyxin B sulfate, and hydrocortisone which is certifiable under 21 CFR 444.442g. The reformulated product is not affected by this notice.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–1051 as amended, 59 Stat. 463 as amended (21 U.S.C. 352, 357)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Drugs (21 CFR 5.78), Part 444 is amended by updating § 444.442a to read as follows:

§ 444.442a Neomycin sulfate-sodium propionate otic solution.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate-sodium propionate otic solution is a solution containing, in each milliliter, 3.5 milligrams of neomycin and 50 milligrams of sodium propionate, in a suitable and harmless vehicle. It may also contain suitable and harmless dispersants, buffers, perfumes, and preservatives. It is sterile. Its pH is not less than 5.5 and not more than 7.0. The neomycin sulfate used conforms to the standards prescribed by § 444.442(a)(1)(i), (vi), and (vii).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The neomycin sulfate used in making the batch for potency, pH, and identity.

(*b*) The batch for potency, sterility and pH.

(ii) Samples required:

(*a*) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: a minimum of five immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*— (1) *Potency.* Proceed as directed in § 444.442a (b)(1), except dilute an accurately measured representative portion in sufficient 0.1*M* potassium phosphate buffer, pH 8.0, to give a stock solution of convenient concentration. Further dilute an aliquot with 0.1*M* potassium phosphate buffer, pH 8.0, to the proper prescribed reference concentration. Its content of neomycin is satisfactory if it contains not less than 90 percent and not more than 126 percent of the number of milligrams of neomycin that it is represented to contain.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted sample.

Effective dates. The revocation of that portion of 21 CFR § 444.442a providing for certification of neomycin sulfate-sodium proprionate-prednisolone acetate became effective October 29, 1974, and this amendment is effective November 4, 1980 .

(Secs. 502, 507, 52 Stat. 1050–1051 as amended, 59 Stat. 463 as amended (21 U.S.C. 352, 357))

Dated: October 24, 1980.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 80-34057 Filed 11-03-80; 8:45 am]

BILLING CODE 4110-03-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

Procedural Regulations

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: These regulations concern the Commission's dismissal and determinations of reasonable cause and the issuances of right to sue notices in dismissal of governmental respondents. These regulations are published without change from the interim revisions published at 45 FR 48614, July 21, 1980.

DATES: The regulations are effective November 4, 1980.

FOR FURTHER INFORMATION CONTACT: Anthony De Marco, Legal Counsel Division, EEOC, 2401 E Street, N.W., Washington, D.C. 20506, 202-634-6595.

SUPPLEMENTARY INFORMATION: On July 21, 1980, the Equal Employment Opportunity Commission published revisions to its procedural regulations appearing at 29 CFR 1601.21 (b) and (d) and 1601.28(d). 45 FR 48614 (July 21, 1980). The revisions were effective immediately, but on an interim basis pending receipt of comments by the public.

Sections 1601.21 (b) and (d) set forth the procedures by which the Commission or its designated officer may reconsider a previously issued determination. The Commission amended its procedural regulations to provide for notice of the Commission's intent to reconsider previously issued determinations of reasonable cause or of dismissals of charges. The Commission amended § 1601.28(d) to reflect the interpretation of § 706(f)(1) of Title VII of the Civil Rights Act of 1964, as amended, adopted in *Shea* v. *City of St. Paul,* 601 F. 2d 345 (8th Cir., 1979), and *DeMatteis* v. *Eastman Kodak Company,* 511 F. 2d 306, modified 520 F. 2d 409 (2d Cir., 1975), which hold that notice of the dismissal of charge constitutes notice of final administrative action and of the right to sue. Henceforth, in all cases of a dismissal pursuant to § 1601.19, including cases where the respondent is a government, governmental agency, or a political subdivision, the notice of dismissal issued by the Commission will include the notice of right to sue.

The Commission received comments from a corporation, a university, and a Hospital and Welfare Board. The main objection to the regulations was that they did not set forth a time limit in which the Commission could reconsider its determination. Their main concern was that the regulations did not specify when an EEOC determination is final. It was suggested that the Commission should not be able to reconsider its determination once a charging party has filed suit.

The Commission's decision is final when the letter of determination is issued. However, the Commission has the ability to reconsider its determination at any time in order to be able to correct any procedural or substantive errors in its determination. Administrative agencies have an inherent authority to reconsider their own decisions, since the power to decide in the first instance carries with it the power to reconsider. *Albertson* v. *Federal Communications Commission*, 182 F. 2d 397 (D.C. Cir. 1950). The Commission has the right to reconsider its decision in order to carry out the Title VII policy that disputes should be resolved by the Commission without litigation whenever possible. *See Trujillo* v. *General Electric Co.*, —— F.2d ——, 22 FEP Cases 1575 (10th Cir. 1980).

The revisions to the procedural regulations do not prejudice the rights of a charging party or respondent. Regardless of when the Commission reconsiders its determination or its determination upon reconsideration, the charging party has a statutory right to file suit and receive a *de novo* right of review in Federal District Court.

One individual questioned whether the Commission has the authority to reconsider its determinations and, if it has, whether there are circumstances which would make reconsideration appropriate or advisable. It is clear from recent case law that the Commission, or its designated officer, has the authority to reconsider its own determination. *Gonzalez* v. *Firestone Tire and Rubber Co.* 610 F. 2d 141 (5th Cir. 1980); *Trujillo* v. *General Electric Co.*, —— F. 2d ——, 22 FEP Cases 1575 (10th Cir. 1980). It is also clear that reconsideration of a determination would be appropriate in any instance in which it is necessary for the Commission to correct a procedural or substantive error in its determination.

No comments were received regarding issuance of notices of right to sue by EEOC in dismissals against governmental entities.

After considering these comments, the Commission has determined not to make any revisions to the interim regulations which were previously published in the **Federal Register** at 45 FR 48614 (July 21, 1980). The only change to the interim regulations is the correction of a typographical error appearing in § 1601.21(d)(1). The reference in that section to § 1601.28(b) (1) or (2) has been corrected to read § 1601.28(a) (1) or (2). The revisions of 29 CFR § 1601.21 (b) and (d) and § 1601.28(d) appear below.

Signed at Washington, D.C. this 28th day of October 1980.

For the Commission.

Eleanor Holmes Norton,

Chair, Equal Employment Opportunity Commission.

1. Sections 1601.21(b) and (d) are revised to read as follows:

§ 1601.21 Reasonable cause determination.

Procedure and authority.

* * * * *

(b) The Commission shall provide prompt notification of its determination under paragraph (a) of this section to the person claiming to be aggrieved, the person making the charge on behalf of such person, if any, and the respondent, or in the case of a Commissioner charge, the person named in the charge or identified by the Commission in the third party certificate, if any, and the respondent. The Commission may, however, on its own initiative reconsider its decision or the determination of any of its designated officers who have authority to issue Letters of Determination, *EXCEPT that the Commission will not reconsider determinations of reasonable cause previously issued against a government, governmental entity or political subdivision after a failure of conciliation as set forth in § 1601.25.*

(1) In cases where the Commission decides to reconsider a dismissal or a determination finding reasonable cause to believe a charge is true, a notice of intent to reconsider will promptly issue. If such notice of intent to reconsider is issued within 90 days from receipt of a notice of right to sue and the charging party has not filed suit and did not receive a notice of right to sue pursuant to § 1601.28(a)(1) or (2), the notice of intent to reconsider will vacate the dismissal or letter of determination and revoke the notice of right to sue. If the 90 day period has expired, the charging party has filed suit, or the charging party had requested a notice of right to sue pursuant to § 1601.28(a)(1) or (2), the notice of intent to reconsider will vacate the dismissal or letter of determination, but will not revoke the notice of right to sue. After reconsideration the Commission will issue a determination anew. In those circumstances where the notice of right to sue has been revoked, the Commision will, in accordance with § 1601.28, issue a notice of right to sue anew which will provide the charging party with 90 days within which to bring suit.

(2) The Commission shall provide prompt notification of its intent to reconsider, which is effective upon issuance, and its final decision after reconsideration to the person claiming to be aggrieved, the person making the charge on behalf of such person, if any, and the respondent, or in the case of a Commissioner charge, the person named in the charge or identified by the Commissioner in the third-party certificate, if any, and the respondent.

* * * * *

(d) The Commission hereby delegates to District Directors, the Director of the Office of Field Services and the Director of the Office of Systemic Programs the authority, in those cases in which previously issued Commission Decisions serve as precedent for the determination and in those cases in which the Commission's Guidelines provide a statement of policy which serves as authority for the determination, upon completion of an investigation, to dismiss a charge, make a determination, issue a Letter of Determination and serve a copy thereof upon the parties. Such determination is final when the Letter of Determination is issued. However, the Director of the Office of Field Services, the Director of the Office of Systemic Programs and each District Director, for determinations issued by his or her office, may on his or her own initiative reconsider determinations, *EXCEPT that such directors may not reconsider determinations of reasonable cause previously issued against a government, governmental entity or political subdivision after a failure of conciliation as set forth in § 1601.25.*

(1) In cases where the issuing Director decides to reconsider a dismissal or a determination finding reasonable cause to believe a charge is true, a notice of intent to reconsider will promptly issue. If such notice of intent to reconsider is issued within 90 days from receipt of a notice of right to sue and the charging party has not filed suit and did not request a notice of right to sue pursuant to § 1601.28(a)(1) or (2), the notice of intent to reconsider will vacate the dismissal or letter of determination and revoke the notice of right to sue. If the 90 day period has expired, the charging party has filed suit, or the charging party had received a notice of right to sue pursuant to § 1601.28(a)(1) or (2), the notice of intent to reconsider will vacate the dismissal or letter of determination, but will not revoke the notice of right to sue. After reconsideration the issuing Director will issue a determination anew. In those circumstances where the notice of right to sue has been revoked, the issuing Director will, in accordance

with § 1601.28, issue a notice of right to sue anew which will provide the charging party with 90 days within which to bring suit.

(2) When the issuing Director does reconsider, he or she shall provide prompt notification of his or her intent to reconsider, which is effective upon issuance, and final decision after reconsideration to the person claiming to be aggrieved, the person making the charge on behalf of such person, if any, and the respondent, or in the charge or identified by the Commissioner in the third party certificate, if any, and the respondent.

2. Section 1601.28(d) is revised to read as follows:

§ 1601.28 Notice of right to sue: Procedure and authority.

* * * * *

(d) Notices of right-of-sue for charges against Governmental respondents. In all cases where the respondent is a government, governmental agency, or a political subivision, the Commission will issue the notice of right to sue when there has been a dismissal of a charge. The notice of right to sue will be issued in accordance with § 1601.28(e). In all other cases where the respondent is a government, governmental agency, or political subdivision, the Attorney General will issue the notice of right to sue, including the following cases: (1) when there has been a finding of reasonable cause by the Commission, there has been a failure of conciliation, and the Attorney General has decided not to file a civil action; and (2) where a charging party has requested a notice of right to sue pursuant to § 1601.28(a)(1) or (2). In cases where a charge of discrimination results in a finding of cause in part and no cause in part, the case will be treated as a "cause" determination and will be referred to the Attorney General.

[FR Doc. 80-34399 Filed 11-3-80; 8:45 am]
BILLING CODE 6570-06-M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 552

[Army Reg. 210-7]

Commercial Solicitation on Army Installations

AGENCY: Department of the Army, DOD.

ACTION: Final rule.

SUMMARY: This regulation implements DOD Directive 1344.1 and DOD Directive 1344.7. It establishes policies and procedures for controlling commercial solicitation on Army installations to safeguard the interests of military personnel, especially the young and inexperienced soliders, as consumers.

EFFECTIVE DATE: November 4, 1980.

FOR FURTHER INFORMATION CONTACT: Lieutenant Colonel Thomas L. Verrier, Chief, Installation and Personnel Support Division, Community Support Directorate, Office of The Adjutant General, Headquarters, Department of the Army, Washington, DC 20310 (202-325-9591).

By authority of the Secretary of the Army.

Dated: October 6, 1980.

G. R. Iverson,

Colonel, GS, Director, Community Support.

Accordingly, 32 CFR Part 552 is amended by adding new §§ 552.50-552.83 and deleting § 552.18(j).

PART 552—REGULATIONS AFFECTING MILITARY RESERVATIONS

§ 552.18 [Amended]

* * * * *

Solicitation on Military Reservations

Authority: 15 U.S.C. 1601.

Solicitation on Military Reservations

§ 552.50 Purpose.

This regulation—

(a) Prescribes general policy on the solicitation and sale of all goods, services, and commodities, including all types of insurance, on military installations. These are sold or solicited by dealers, tradesmen, and their agents.

(b) Prescribes procedures for suspension of solicitation privileges.

(c) Prescribes policies and procedures for investigative and enforcement actions.

(d) Permits representatives of credit unions, banks, and approved non-profit associations to conduct national educational programs on—

(1) Insurance, estate planning, savings, and budgeting, and

(2) The protection and remedies afforded consumers under the Truth-in-Lending Act.

§ 552.51 Applicability.

(a) This regulation applies to—

(1) All Department of the Army military and civilian personnel, including Army National Guard and Army Reserve personnel on active duty or annual training.

(2) Individuals seeking to conduct commercial solicitation on military installations, including controlled housing areas. They will also be governed by regulations and controls of the local commander and, in overseas areas, by regulations of the unified or specified commander. They must also observe applicable laws, regulations, and agreements of the host country.

(b) The provisions of this regulation do not apply to—

(1) Commercial companies that furnish services to military installations (such as deliveries of milk, bread, and laundry) when they are authorized by the installation commander.

(2) An individual who sells his own personal property or privately owned dwelling.

§ 552.52 Explanation of terms.

(a) *Agent.* Anyone who solicits the ordering or purchasing of goods, services, or commodities in exchange for money. "Agent" includes an individual who receives remuneration as a salesman for an insurer or whose remuneration is dependent on volume of sales or the making of sales.