

DEPARTMENT OF LABOR

Employment and Training Administration

Occupational Safety and Health Administration

Office of Federal Contract Compliance Programs

20 CFR Part 655

29 CFR Part 1903

41 CFR Part 60-1

Notice Of Further Deferral Of Effective Dates of Regulations

AGENCY: Department of Labor.

ACTION: Notice of further deferral of effective dates of regulations.

SUMMARY: The Department of Labor further defers the effective dates of three final rules from March 30, 1981 (see 46 FR 11253, Feb. 8, 1961), until the dates set forth below.

This action is taken in order to permit reconsideration of these rules in accordance with Executive Order 12291

and in order to permit proposed rulemaking.

For complete information on these actions see the following **Federal Register** documents in the Proposed Rules section of this issue of the **Federal Register**:

1. 81-9411 (ETA)
2. 81-9412 (OSHA)
3. 8143410 (OFCCP)

DATE: The effective date of this deferral is March 27, 1981.

ADDRESS: Gail Lively, Director, Executive Secretariat, Room S-2519, Frances Perkins Building, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

(1) For the Employment and Training Administration (ETA)—Mr. Kenneth Bell—Telephone: 202-376-6297. (2) For the Occupational Safety and Health Administration (OSHA)—Mr. H. Berrien Zettler—Telephone 202-523-7725. (3) For the Office of Federal Contract Compliance Programs—Mr. James W. Cisco—Telephone 202-523-8426.

these regulations declared invalid. See *Fante and the Upjohn Company v. Department of Health and Human Services, et al.*, Civil Action No. 80-72778. Because of the nature and circumstances of this litigation, the agency has determined that it is appropriate to delay the effective date of these regulations. Therefore, FDA announces that unless the District Court declares these regulations to be invalid, the final rule will become effective 5 months from the date of the District Court's final judgment on the merits of the suit. The agency will publish an appropriate notice in the **Federal Register**, as soon as the District Court rules.

The regulation is affected by Executive Order 12291, dated February 17, 1981 (48FR 13193, February 19, 1981). If the District Court holds that the final rule is valid, and a decision is made to put the regulation into effect, the agency will comply with Section 7 of the Executive Order and report this regulation to the Director of the Office of Management and Budget before it becomes effective. The report will be filed under Section 7 (a) or (b) of the Executive Order, depending on the final determination as to whether the regulation is a major rule. Based on the amended regulatory analysis assessment of the regulation, which was prepared before its promulgation, and on the criteria for a major rule in section 1(b) of the Executive Order, it appears that this regulation may not be a major rule. (It should be noted that FDA-regulated research is being conducted at only three prisons.)

Dated March 17, 1981.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 81-9005 Filed 3-26-81; 8:45 am]

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Rule and agency	Subject	Old effective date	New effective date
1. 20 CFR Part 655 ETA (Originally published on Jan. 16, 1981 at 46 FR 4568).	Labor Certification Process for the Temporary Employment of Aliens in Agriculture: Adverse Effect Wage Rate Methodology	Mar. 30, 1981.....	Deferred until action taken on today's proposed rules
2. 29 CFR Part 1903 OSHA (Originally published on Jan. 16, 1981 at 46 FR 3852).	Walkaround Compensation.....	...do.....	May 30, 1981.
3. 41 CFR Part 60-1 OFCCP (Originally published on Jan. 16, 1981 at 46 FR 3892).	Payment of Membership Fees and Other Expenses to Private Organizations.	...do.....	Deferred until action taken on today's proposed rules.

Signed at Washington, D.C. this 25th day of March, 1981.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81-9528 Filed 3-26-81 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 50

[Docket No. 78N-0049]

Protection of Human Subjects; Prisoners Used as Subjects in Research; Delay of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule; delay of effective date.

SUMMARY: The Food and Drug Administration (FDA) is delaying the effective date of its regulations on the use of Prisoners as subjects in research to a date to be announced in a later issue of the **Federal Register**.

DATE: The delay is effective March 27, 1981.

FOR FURTHER INFORMATION CONTACT:

Halyna P. Breslawec, Office of Health Affairs (HFY-2), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1382.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 5, 1978 (43 FR 19417), the Food and Drug Administration (FDA) proposed to adopt regulations to provide protection for prisoners involved in research activities that fall within the agency's jurisdiction. After considering the comments it received on this proposal, in the **Federal Register** of May 30, 1980 (45 FR 36386), FDA adopted the final rule on the use of prisoners in research. At that time, the agency announced that the regulations would become effective on June 1, 1981.

On July 29, 1980, suit was brought in the United States District Court for the Eastern District of Michigan to have

21 CFR Parts 74, 81, and 82

[Docket No. 76C-0044]

D&C Orange No. 10 and D&C Orange No. 11

AGENCY: Food and Drug Administration,

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is permanently listing D&C Orange No. 10 and D&C Orange No. 11 for use in externally applied drugs and cosmetics. This document responds to a petition filed by the Cosmetic, Toiletry, and Fragrance Association, Inc. [CTFA] for use of the colors in drugs and cosmetics. This rule