

non-certified seed or (b) acreage on which potatoes or sunflowers were planted in either of the two preceding crop years unless otherwise provided on the actuarial table; however, if acreage has previously not been cultivated, potatoes shall be insurable for the first two crop years on such land.

2. *Causes of loss.* In addition to causes of loss not insured against enumerated in subsection 1(b) of the Policy, the Corporation shall consider as uninsured any loss of production due to damage that occurs or becomes evident after the potatoes have been placed in storage.

3. *Production guarantee.* The production guarantee per acre shall be as shown on the actuarial table and such guarantee for any unharvested acreage shall be decreased 20 percent.

4. *Insurance period.* Insurance on insured acreage shall attach at the time of planting and shall cease in the same calendar year as follows: The earliest of (a) final adjustment of a loss, (b) harvest, or (c) October 31 in all states except North Dakota (where insurance ceases October 15).

5. *Additional notice of loss requirement.* In addition to the provisions of section 8 of the Policy, if a loss is to be claimed on any unit, written notice of damage shall be given to the Corporation at the office for the county at least 72 hours prior to the start of harvest, unless all of the production is to be delivered directly to a processing plant.

6. *Claims for loss.* (a) Any claim for loss on a unit shall be submitted to the Corporation on a form prescribed by the Corporation not later than 60 days after the time of loss. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(b) It shall be a condition precedent to the payment of any loss that the insured (1) establish the production of the insured crop on the unit and that any loss of production has been directly caused by one or more of the causes insured against during the insurance period of the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each unit. The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage on the unit by the applicable production guarantee(s) per acre, which product shall be the total production guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the applicable price for computing indemnities, and (4) multiplying the result obtained in step (3) by the insured share: *Provided*, That if the premium computed on the determined acreage and share is more than the premium computed on the reported acreage and share, the amount of loss shall be computed on the determined acreage and share and then reduced proportionately.

(d) The total production to be counted for a unit shall be on the basis of marketable potatoes as determined by the Corporation and shall include all harvested production and any appraisals made by the Corporation for (1) potential production not harvested, (2) poor farming practices, (3) other uninsured causes of loss, (4) acreage abandoned or put to another use without the consent of the Corporation, or (5) any disposition of

production which prevents accurate determination of marketable potatoes: *Provided*, That the total production to be counted shall not be less than the applicable guarantee on any acreage (1) which is abandoned or put to another use without prior written consent of the Corporation, (2) which is damaged solely by an uninsured cause, or (3) from which the harvested production is disposed of without the prior written consent of the Corporation and such disposition prevents accurate determination of marketable potatoes.

(e) The Corporation reserves the right to adjust any loss at the time the potatoes are placed in storage or delivered to a processor.

(f) Notwithstanding the provisions of subsection (d) of this section, if potatoes are marketed or stored without an acceptable inspection the production to count for such potatoes shall be 90 percent of the gross weight so marketed or stored.

7. *Meaning of terms.* For the purpose of potato insurance the terms: (a) "Harvest" means the digging of potatoes.

(b) "Marketable potatoes" means potatoes acceptable for use as certified seed or for human consumption and meets the standards for sale through market outlets for the area and as may be further defined on the county actuarial table. The determination of marketable potatoes shall be made by the Corporation.

8. *Cancellation and termination for indebtedness dates.* For each crop year of the contract, the cancellation date shall be the December 31 and the termination date for indebtedness shall be the April 15 in North Dakota and March 31 in all other states immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; (7 U.S.C. 1501, 1516).)

NOTE.—The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

NOTE.—The Federal Crop Insurance Corporation has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Approved by the Board of Directors on February 14, 1978.

Effective: April 7, 1978.

Dated: March 22, 1978.

PETER F. COLE,
Secretary, Federal
Crop Insurance Corporation.

Dated: April 4, 1978.

Approved by:
BOB BERGLAND,
Secretary.

[FR Doc. 78-9255 Filed 4-6-78; 8:45 am]

[3410-02]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Regulation 140, Lemon Regulation 139, Amendment 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period April 9-15, 1978, and increases the quantity of such lemons that may be so shipped during the period April 2-8, 1978. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective April 9, 1978, and the amendment is effective for the period April 2-8, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION:

Findings. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of lemons, as hereafter provided, will tend to effectuate the declared policy of the act.

The committee met on April 4, 1978, to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons of all sizes appears to be in line with supply, and for size 115's and larger it seems to be improving.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days

after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 910.440 Lemon Regulation 140.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period April 9, 1978 through April 15, 1978, is established at 250,000 cartons.

(b) As used in this section, "handled" and "carton(s)" mean the same as defined in the marketing order.

2. Paragraph (a) of § 910.439 Lemon Regulation 139 (43 FR 13492) is amended to read as follows: "The quantity of lemons grown in California and Arizona which may be handled during the period April 2, 1978 through April 8, 1978, is established at 255,000 cartons."

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: April 6, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-9532 Filed 4-6-78; 11:56 am]

[7590-01]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

[Docket No. RM-50-31]

PART 51—LICENSING AND REGULATORY POLICY AND PROCEDURES FOR ENVIRONMENTAL PROTECTION

Environmental Effects of the Uranium Fuel Cycle

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of oral argument.

SUMMARY: The Hearing Board will hold oral argument for the purpose of according the parties to this proceeding (42 FR 26987; May 26, 1977), the opportunity to request cross-examination of particular witnesses who have

testified in this proceeding on specific factual issues relating to the environmental effects of the uranium fuel cycle.

DATE: Oral argument will be held on Thursday, April 20, 1978, at 10 a.m.

ADDRESS: Oral argument will be held in the Commission's Hearing Room, 5th floor, East West Towers, 4350 East-West Highway, Bethesda, Md.

FOR FURTHER INFORMATION CONTACT:

Dr. John H. Buck, 202-492-7664.

MEMORANDUM AND ORDER

MARCH 30, 1978.

In the matter of amendment of 10 CFR Part 51 licensing of production and utilization facilities, (Environmental Effects of the Uranium Fuel Cycle), Docket No. RM 50-3.

The Hearing Board will hold oral argument on Thursday, April 20, 1978, at 10 a.m., in the Commission's Hearing Room, 5th floor, East West Towers, 4350 East-West Highway, Bethesda, Md., for the purpose of according the parties to this proceeding the opportunity to request cross-examination of particular witnesses who have testified in this proceeding on specific factual issues.

All parties requesting cross-examination will be required to demonstrate the need for such cross-examination in accordance with the NRC's directive in January, 1978, to the Hearing Board.

The Hearing Board will require those parties requesting cross-examination to submit to the Hearing Board by April 12, 1978, a written statement of intention to request cross-examination, and to briefly identify the particular witness and specific factual issues to which such cross-examination will be directed. We will also require the requesting party to serve a copy of their statement directly on the party who sponsored the witness sought for cross-examination. At the oral argument, the parties requesting cross-examination will be expected to demonstrate with particularity that the cross-examination requested is necessary to develop an adequate record for sound discussion.

Upon conclusion of this oral argument, we will also allow the parties to this proceeding a brief opportunity to express their views on the need to hold rebuttal hearings.

Parties desiring to request cross-examination will make their argument in the same order of appearance as listed in our Memorandum and Order of January 4, 1978. Expression of views on the need for rebuttal hearings will be presented in the same order of appearance.

Parties opposing requests for cross-examination will be permitted to state their opposition to the requests after completion of all arguments in favor of cross-examination.

It is so ordered.

For the Hearing Board.

ROMAYNE M. SKRUTSKI,
Secretary to the Hearing Board.

[FR Doc. 78-9259 Filed 4-6-78; 8:45 am]

[4110-03]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

[Docket No. 77C-0276]

PART 74—LISTING OF COLOR ADDITIVES SUBJECT TO CERTIFICATION

D&C Orange No. 4; Confirmation of Effective Date and Amendment

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document confirms the effective date of November 1, 1977, of a regulation concerning the use of D&C Orange No. 4 in externally applied drugs and cosmetics. In response to objections to the listing regulation, the specifications for total color and the sum of volatile matter and chloride and sulfates (as sodium salts) have been revised.

DATES: Effective date confirmed: November 1, 1977. Revision effective date: April 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Gerard L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION:

A regulation published in the FEDERAL REGISTER of September 30, 1977 (42 FR 52395) added §§ 74.1254 and 74.2254 (21 CFR 74.1254 and 74.2254) to subparts B and C of part 74 (21 CFR part 74) to provide for safe use of D&C Orange No. 4 in externally applied drugs and cosmetics and amended § 81.1(b) (21 CFR 81.1(b)) by deleting D&C Orange No. 4 from the provisionally listed colors. The regulation also amended the identity nomenclature and specifications for the certification of D&C Orange No. 4 under

§ 82.1254 (21 CFR 82.1254) to reference § 74.1254.

Two objections were filed in response to the order. A hearing was not requested. One letter, received from a manufacturer of the color and supported by a second letter from a copetitioner for listing of the color, objected to the limitations placed on the specifications for D&C Orange No. 4. The objections stated that total color should be "not less than 87 percent" instead of "90 percent" and that the sum of volatile matter (at 135° C) and chlorides and sulfates (calculated as sodium salts) should be "not more than 13 percent" instead of "10 percent." The objections further noted that under provisional listing those specifications for D&C Orange No. 4 were 85 percent and 15 percent, respectively. The objections state that the increase in labor and energy required for all batches of D&C Orange No. 4 to meet the specifications of 90 percent for total color and 10 percent for volatile matter and salts would serve only to lower the content of moisture and salt and would lead to increased expenses to producers and consumers.

After evaluating the objections and reviewing the available data, the Commissioner concurs that specifications for the color may be safely revised by the reduction of the specification for total color from 90 percent to 87 percent and an increase of the specifications for volatile matter (water) plus salts (sodium chloride and sodium sulfate) from 10 percent to 13 percent.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), and (d), 74 Stat. 399-403 (21 U.S.C. 376 (b), (c), and (d))) and under authority delegated to the Commissioner (21 CFR 5.1), there being no other objections or any request for a hearing in response to the order of September 30, 1977, the amendments to parts 74, 81, and 82 promulgated thereby became effective on November 1, 1977, and part 74 is amended in § 74.1254(b) by revising the listings therein for "sum of volatile matter" and "total color," to read as follows:

§ 74.1254 D&C Orange No. 4.

(b) * * *

Sum of volatile matter (at 135° C) and chlorides and sulfates (calculated as sodium salts), not more than 13 percent.

Total color, not less than 87 percent.

Effective dates: (1) The amendments promulgated by the regulation of September 30, 1977, became effective on

November 1, 1977; (2) the amendment set forth above is effective April 7, 1978.

(Sec. 706 (b), (c), and (d), 74 Stat. 399-403 (21 U.S.C. 376 (b), (c), and (d)).)

Dated: March 20, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc. 78-8941 Filed 4-6-78; 8:45 am]

[4110-03]

[Docket No. 76N-0366]

**PART 81—GENERAL SPECIFICATIONS
AND GENERAL RESTRICTIONS FOR
PROVISIONAL COLOR ADDITIVES
FOR USE IN FOODS, DRUGS, AND
COSMETICS**

**Provisionally Listed Color Additives;
Postponement of Closing Dates;
Restatement of Conditions for Con-
tinued Provisional Listing**

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the color additive regulations by extending the closing dates for four color additives (D. & C. Red No. 6, D. & C. Red No. 7, D. & C. Red No. 30 and caramel) and revising the dates by which certain reports must be submitted to the Food and Drug Administration. This action permits the continued use of these color additives until the new closing dates and amends the color additive regulations by updating the conditions that certain color additives must meet to remain on the provisional list.

EFFECTIVE DATE: April 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Gerard L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of December 13, 1977 (42 FR 62497), the Commissioner of Food and Drugs, on his own initiative, proposed to postpone the closing date for the use of five provisionally listed color additives beyond January 31, 1978. The proposed postponement was conditioned on the completion of appropriate scientific investigations and the submission of data to FDA on a prescribed schedule. The proposal also discussed the extent to which the petitioners have complied with the conditions of provisional list-

ing that are set forth in § 81.27 *Conditions of provisional listing of additives* (21 CFR 81.27), and it proposed to revise certain of these conditions. The conditions in § 81.27 were initially prescribed in regulations published in the FEDERAL REGISTER of February 4, 1977 (42 FR).

In response to the proposal the Commissioner received one comment from the Environmental Defense Fund which contended that the closing date for the provisional listing of lead acetate should not be extended beyond January 31, 1978 because lead acetate is a known carcinogen. An analysis of this comment was subsequently received on January 27, 1978 from Combe, Inc., a manufacturer of lead acetate hair colors. The provisional listing of lead acetate, including a discussion of these comments, was considered in a separate document that was published in the FEDERAL REGISTER of March 3, 1978 (43 FR 8790).

The petitioners for caramel have recently requested that the proposed deadline of March 31, 1978 for the submission of the full written report on the subchronic study for caramel be extended for a short time because unforeseen problems have delayed its completion. In view of the short amount of time necessary to furnish the final report, the Commissioner concludes that a 30-day extension of the deadline for the final report is reasonable. This short additional extension to April 30, 1978, however, will not effect the "interim" closing date for caramel which is being extended as originally proposed to July 31, 1978.

In the absence of other comments, the Commissioner advises that the dates for submission of data and "interim" closing dates for the three remaining color additives discussed in the December 13, 1977 proposal are being extended as proposed. These three color additives include: D. & C. Red No. 6, D. & C. Red No. 7, and D. & C. Red No. 30. In addition, as proposed, the regulations set forth below add a new paragraph (e) to § 81.27 prescribing additional testing requirements to be met as conditions of the continued provisional listing of F.D. & C. Red No. 3 and D. & C. Red No. 33.

Certain conditions of § 81.27, for continued provisional listing of the color additives, established on February 4, 1977, have been complied with and are now obsolete. Additionally, the provisional listing of certain colors has been terminated since February 4, 1977. The regulation set forth below reflects these actions by deleting § 81.27(a) and reserving it for future use and deleting certain listings for colors from the requirements of paragraphs (b), (c), and (d) of § 81.27.

Therefore, under the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L.