

contained in the Standard Ink Book sold by the Superintendent of Documents, U.S. Government Printing Office. The additional standards became effective April 6, 1978, except that the effective date for the labeling regulation is August 7, 1978.

It has come to the attention of the Commissioner that the U.S. Government Printing Office has discontinued publication of the Standard Ink Book. Consequently, the book is unavailable for manufacturers to match visually the color for final container labels with the color designated in the regulation.

The Director, Bureau of Biologics, has selected, from another coloring system readily available to printers, colors that are visual matches or similar to the colors designated in the Standard Ink Book. A memorandum identifying the coloring system and the colors has been sent to all licensed manufacturers of blood grouping serum. It is available to all other interested persons upon request from the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857. Colors in other coloring systems will be visually matched and identified upon request and submission of the coloring system to the Director, Bureau of Biologics.

Accordingly, the Commissioner is amending § 660.28 in paragraph (a)(1) to delete reference to the Standard Ink Book and to provide that final container labels of the antisera specified in § 660.28(a)(1) may be color coded with a visual match to specific colors designated by the Director, Bureau of Biologics.

Therefore, under the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under authority delegated to the Commissioner (21 CFR 5.1), § 660.28(a)(1) is revised to read as follows:

§ 660.28 Labeling.

(a) *Final container label*—(1) *Color coding*. The final container label of all Blood Grouping Sera shall be completely white, except that all or a portion of the final container label of the following antisera may be color coded with a visual match to a specific color sample designated by the Director, Bureau of Biologics. Printing on all final container labels shall be in solid black.

COLOR OF LABEL PAPER

Blood grouping serum:	
Anti-A .....	Blue.
Anti-B .....	Yellow.
Slide and rapid tube test sera only:	
Anti-C .....	Pink.
Anti-D .....	Grey.
Anti-E .....	Brown.
Anti-CDE .....	Orange.
Anti-c .....	Lavender.
Anti-e .....	Green.

(Sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262).)

Dated: May 2, 1978.

WILLIAM F. RANDOLPH,  
Acting Associate Commissioner  
for Regulatory Affairs.

[FR Doc. 78-12512 Filed 5-8-78; 8:45 am]

[4210-01]

Title 24—Housing and Urban  
Development

CHAPTER II—OFFICE OF ASSISTANT  
SECRETARY FOR HOUSING—FED-  
ERAL HOUSING COMMISSIONER,  
HUD

[Docket No. R-78-439]

PART 203—MUTUAL MORTGAGE IN-  
SURANCE AND INSURED HOME IM-  
PROVEMENT LOANS

Interest Charges, Fees or Discount;  
Date

AGENCY: Office of Assistant Sec-  
retary for Housing—Federal Housing  
Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This rule prescribes the date from which a mortgagee may charge interest prior to the date of amortization. Current program regulations are silent as to the date from which interest may be charged. As a result, lenders arbitrarily determine a date from which interest will accrue and charge borrowers interest from that date. The date chosen, in some instances, is not the date on which the funds are actually disbursed. In such instances, the borrower's costs are increased unjustifiably. This amendment is intended to clarify the allowable time period for which interest may be charged in order to protect borrowers from being overcharged.

EFFECTIVE DATE: June 8, 1978.

FOR FURTHER INFORMATION  
CONTACT:

William A. Rolfe, Director, Single  
Family Mortgage Insurance Divi-  
sion, Office of Insured and Direct  
Loan Origination, Housing, Depart-  
ment of Housing and Urban Devel-  
opment, Washington, D.C. 20410,  
202-426-8914.

SUPPLEMENTARY INFORMATION:  
On January 31, 1977, at 42 FR 5704,  
the Department of Housing and Urban  
Development published a proposed  
amendment to 24 CFR 203.27 (a),  
"Maximum charges, fees or dis-  
counts," adding a new paragraph

(a)(5) which established the date from which the mortgagee may collect interest. Numerous public comments have been received and considered and, with the changes noted, the proposed rule is now being made final.

The greatest number of comments concerned the effect the proposed amendment would have on closing and disbursement procedures in different localities as a result of differences in law, custom, the requirements of the local title industry, etc. Several commentators stated that the requirement that no interest could be collected until all disbursements were made would either result in additional burdens to the mortgagee, require alterations in the usual closing procedures, or result in loss of interest on funds actually disbursed by the mortgagee.

A number of comments pointed out that in many cases disbursement of all the mortgage funds does not occur until after closing. For example, it was indicated that it is a common practice to have recordation of the closing instruments and disbursement of the required proceeds occur several days after closing. A related problem stems from the practice of placing the loan proceeds under the control of a third party such as an attorney or a title company for later disbursement. In such circumstances, actual control of the funds involved has been relinquished by the mortgagee. However, the requirement in the proposed regulation that all funds be disbursed would have prevented the mortgagee from charging interest from the date of relinquishment of those funds.

In response to these comments, the proposed regulation has been amended to permit the collection of interest from the date of the later of two occurrences: The actual closing date or the date on which the mortgagee disburses the mortgage proceeds to the account of the mortgagor or the mortgagor's creditors. Disbursement of the mortgage proceeds, as the term is used in the amendment, would include such events as the transfer of funds by the mortgagee to an attorney or title company for the benefit of the mortgagor. It is not intended to require actual disbursement of all the mortgage proceeds to the intended recipients. However, it is intended that the mortgagee relinquish control of the mortgage proceeds.

A number of comments raised the question as to whether the mortgagee could collect additional interest under this regulation up to the date of the first mortgage payment. One comment suggested that this would result in the doubling of the amount of interest the mortgagor would pay for the month preceding the first payment. Section 203.440(d) of 24 CFR defines "Beginning of amortization" as the date one month prior to the date of the first



monthly payment of principal and interest so there would be no duplication of interest payment.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

Accordingly, the Secretary of Housing and Urban Development amends Part 203 of Chapter II of 24 CFR by adding § 203.27(a)(5) as follows:

**§ 203.27 Maximum charges, fees or discounts.**

(a) The mortgagee may collect from the mortgagor the following charges, fees or discounts:

• • • • •

(5) Interest from the date of closing or the date on which the mortgagee disburses the mortgage proceeds to the account of the mortgagor or the mortgagor's creditors, whichever is later, to the date of the beginning of amortization.

• • • • •

Issued at Washington, D.C., on May 1, 1978.

LAWRENCE B. SIMONS,  
Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 78-12534 Filed 5-8-78; 8:45 am]

**[4210-01]**

**SUBCHAPTER D—PUBLICLY FINANCED HOUSING PROGRAMS**

[Docket No. R-78-534]

**PART 280—MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS**

**Welding Procedures**

AGENCY: Department of Housing and Urban Development.

ACTION: Enforcement Bulletin—Notice of Extension.

SUMMARY: This Notice announces an extension, to July 15, 1978, of the effective date for enforcement of the requirement of 24 CFR 280.304(b) and § 1.24.1 of the AISC standard that welding slag be removed from mobile home frames. This extension is being granted because of a prior misunderstanding by the mobile home industry, which may have been promoted in various discussions with the Department,

that reference standards are guidelines and not mandatory requirements. The Department previously issued an Advanced Notice of Rulemaking in the FEDERAL REGISTER on December 7, 1977, at 42 FR 61967 which stipulated that manufacturers, upon receipt of the Notice, could no longer continue to produce mobile homes without removing weld slag or other foreign matter and certify those homes as being constructed in conformance with the standard. That stipulation will now take effect on July 15, 1978.

**FOR FURTHER INFORMATION CONTACT:**

Richard A. Mendlen, Chief, Standards Branch, Mobile Home Standards Division, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4224, Washington, D.C. 20410 202-472-4710.

**SUPPLEMENTARY INFORMATION:** This Notice is being issued to inform the mobile home industry and concerned enforcement agencies that the requirement to remove weld slag and other foreign matter from mobile home frames is being deferred until July 15, 1978. The Department is presently reviewing comments received in response to the Advance Notice of Rulemaking to determine the future status of this requirement.

A Finding of Inapplicability of section 102(2) of the National Environmental Policy Act of 1969 has been made in accordance with HUD Handbook 1390.1. It is available for public inspection in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, during normal business hours.

(Secs. 604, 625, National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. 5403 and 5424), and sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., April 12, 1978.

GENO C. BARONI,  
Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

[FR Doc. 78-12516 Filed 5-8-78; 8:45 am]

**[4810-31]**

**Title 27—Alcohol, Tobacco Products and Firearms**

**CHAPTER 1—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY**

[T.D. ATF 49; Ref. No. 310]

**PART 4—LABELING AND ADVERTISING OF WINE**

**Standards of Fill for Wine**

AGENCY: Bureau of Alcohol, Tobacco and Firearms.

ACTION: Final rule.

SUMMARY: These regulations permit the use of wine containers larger than 3 liters if they are filled and labeled in even liter quantities. Additionally, these regulations: (1) Exempt containers of 18 liters and larger from the standards of fill; (2) change the reference temperature of a liter of wine to 20° Celsius (68° F.); (3) provide an exemption to the bottles per case requirement; (4) change the requirement for statement of equivalent fluid ounces to the nearest whole ounce when the U.S. equivalent volume is 100 ounces or larger; and (5) redefine "packer" as any person placing wine in containers larger than 4 liters. The Director is making these changes in response to industry and consumer requests for larger wine container sizes, and to make the metric standard of fill requirements less restrictive with respect to case packaging.

EFFECTIVE DATE: June 8, 1978.

**FOR FURTHER INFORMATION CONTACT:**

Charles N. Bacon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, telephone, 202-566-7626.

**SUPPLEMENTARY INFORMATION:**

**THE PROPOSED REGULATIONS**

ATF published a notice of proposed rulemaking in the FEDERAL REGISTER on August 22, 1977 [42 FR 42230]. This notice proposed the following specific changes to the metric standard of fill regulations for wine:

1. Authorize the use of wine containers which are larger than the largest standard of fill size of 3 liters. The notice further proposed two ways in which to do this:

A. Proposal "A". Add either a 4 or 5 liter size to the metric standards of fill and exempt all sizes of 10 liters or larger from the standard of fill requirements; or

B. Proposal "B". Allow use of wine containers larger than 3 liters as long as they are in even-liter increments, for example 4, 5, 6, 7 liters.



2. Change the temperature at which the liter of wine is defined from 4° Celsius to 20° Celsius (68° F.).

3. Allow exemptions to the bottles per case requirements when, upon application to the Director, the bottler or importer demonstrates good cause (for example: bottles of unusual design or shape).

4. Allow the importation of foreign wine in nonstandard cases after December 31, 1978, if the importer has received an exemption for those bottles from the case packing requirement.

5. Change the U.S. equivalent fluid ounce statement for volumes over 100 fluid ounces. The notice proposed that these statements be accurate to the nearest full ounce; i.e., 4 liters (135 fl. oz.), rather than the nearest one-tenth ounce.

6. Change the definition of "packer" to anyone placing wine in containers larger than 4 liters. Currently 1 gallon is the division between "bottlers" and "packers".

#### DISCUSSION OF COMMENTS

In response to the notice of proposed rulemaking, ATF received 89 written comments, most of which were written by individual consumers. On the basis of the comments, ATF has adopted all of the proposed items, and selected Proposal "B", authorization of any even-liter container larger than 3 liters, as the means of authorizing large wine container sizes. A discussion of those comments follows.

#### LARGE WINE SIZES

*Demand for large containers.* The largest metric standard of fill is 3 liters (101 fl. oz.). Larger U.S. standards of fill, 1.0, 3.0, and 4.9 gallons, will be phased-out after the mandatory metric conversion date of January 1, 1979. The notice of proposed rulemaking was issued to provide sizes larger than 3 liters to replace the popular gallon "jug" and to provide new large economy sizes.

Consumer and industry response favored allowing new large sizes. Out of 74 comments addressed to the size issue, 70 favored allowing one or more sizes larger than 3 liters; every consumer response to this issue [57] favored at least one large size. Because of the near unanimous response on the part of consumers, metric associations, industry, and Governments, ATF is authorizing use of wine containers larger than 3 liters.

*4 liters versus 5 liters.* Proposal "A" would have added either a 4 or 5 liter size to the standards of fill to replace the gallon; it also would have exempted containers of 10 liters or larger from the standard wine container regulations, including standards of fill, design, and headspace requirements.

Public response favored adopting a 4 liter (135 fl. oz.) container. This size is

closer to 1 gallon (128 fl. oz.) than is 5 liters (169 fl. oz.), and consumers would be more familiar with it. One glass company pointed out that 4 liter glass bottles may be produced by many more manufacturers than a 5 liter glass bottle. A few consumers expressed a desire to have either the 4 or 5 liter size.

Although the 5 liter size was not generally supported by the comments, it was pointed out that the European Economic Community (EEC) authorizes 5 liters for trade among member nations. Neither the 4 nor the 5 liter size can be easily compared in volume to the 750 ml, 1.5 liter, and 3.0 liter standards of fill.

*Even-liter sizes over 3 liters.* Proposal "B" would have authorized sizes larger than 3 liters as long as they were even-liter amounts (4, 5, 6, 7, 8 liters, etc.). This proposal would include both the 4 and 5 liter sizes found in Proposal "A", and would allow a wide range of other large economy sizes.

A large number of consumers and industry members favored this proposal. Its primary advantage was seen as its flexibility since it would not only allow use of both the 4 and 5 liter sizes, but would allow introduction of other economy sizes like 10 or 12 liters. Several comments mentioned this proposal would authorize the continued importation of the French Imperiale which is 6 liters, the equivalent of 8 bottles. Finally, a number of wineries currently filling bulk wine dispensers of 3.0 and 4.9 gallons favored the proposal since they could continue filling these dispensers and labeling them as 12 and 18 liters, respectively.

A few comments pointed out that authorizing all even-liter sizes over 3 liters might cause a proliferation of container sizes, thus defeating one original aim of metrication.

*Conclusion.* In view of the evidence presented for Proposal "B", even-liter sizes over 3 liters, ATF is adopting that proposal. This will allow for a greater range of consumer containers; however, the even-liter requirement will make the sizes different enough in size to avoid the consumer deception which might otherwise occur with the addition of several new sizes. Section 4.73 is amended by adding a new paragraph (b). ATF is not adding any case packing requirements for these new container sizes.

In addition, ATF is amending § 4.70(b) by exempting containers of 18 liters and larger from the standard wine container regulations (fill, design, headspace). This change is conforming in nature, since this exclusion previously applied to containers of 5 gallons (18.93 liters) or larger.

#### DEFINITION OF LITER

As proposed, the definition of the liter would be changed by raising the

reference temperature from 4° Celsius (39.4° F.) to 20° Celsius (68° F.). This proposal would conform the United States' definition of the liter with world-wide accepted usage, and would define wine at room temperature at which it is customarily bottled.

All comments on this issue supported changing the liter's reference temperature to 20° Celsius. However, two comments noted that strict metric usage does not define liter with respect to any reference temperature since the liter is a unit of volume derived from a linear measurement, the meter.

ATF agrees with these comments. To conform with proper metric usage we have changed the definition of liter in § 4.10 by removing the temperature reference in the definition, but adding 20° Celsius as a reference for regulatory purposes.

#### CASE PACKING REQUIREMENTS

The notice proposed allowing an exemption from the bottles per case requirements when the bottler or importer demonstrates good cause, in writing, to the Director, Bureau of Alcohol, Tobacco and Firearms. This proposal was intended to give relief to persons bottling or importing wine in bottles which are of unusual shape or size and which cannot easily be packed with the required number per case.

There were no comments addressed to this issue and it is adopted by adding a new paragraph to § 4.74. A provision for submitting diagrams or photographs to the Director is added to the section in cases when this would help demonstrate why the bottles cannot be packed with the required number per case. A cross-reference to this exemption is added to § 4.46, non-standard bottles and cases, to allow release of these nonstandard cases from customs custody upon presentation to Customs of the application approved by the Director.

#### EQUIVALENT FLUID OUNCE STATEMENT

When bottles are now labeled in metric measure, § 4.37, net contents, requires the label to contain an equivalent U.S. fluid ounce statement, accurate to the nearest one-tenth ounce. Thus, a 750 ml bottle is labeled "750 ml (25.4 fl. oz.)".

The proposed regulations would amend this by requiring the equivalent fluid ounces be accurate to the nearest whole ounce when the equivalent volume statement is 100 fluid ounces or larger. For example, the equivalent statement for the 3-liter standard of fill is "101 fl. oz." rather than "101.4 fl. oz."

Only one comment addressed the issue, and that supported the proposal. Therefore, the proposal for the equivalent fluid ounce statement is adopted by amending § 4.37(b).



## DEFINITION OF PACKER

The notice proposed to amend § 4.10 by defining a "bottler" as anyone who places wine in containers of 4 liters or less, and a "packer" as anyone who places wine in containers larger than 4 liters. This change would update these definitions which now use 1 gallon as the distinction. There were no comments addressed to this issue, and the definitions are changed to reflect the 4-liter cutoff point between a bottler and a packer.

## OTHER ISSUES

*The metric issue.* Several persons commenting on the notice of proposed rulemaking expressed their disapproval of the metric system being used for wine bottles. However, ATF adopted metric fill standards over 3 years ago; these comments are, therefore, not addressed to the issues raised by this notice of proposed rulemaking.

*Smaller case sizes.* Two comments requested that ATF permit smaller cases for some of the existing metric standards of fill; for example, allow 750 ml bottles to be packed six per case rather than the required 12. We are not adopting this suggestion. However, certain exemptions from the bottles per case requirements may be permitted when good cause is shown (see above).

## DRAFTING INFORMATION

The principal author of this regulation is Charles N. Bacon of the Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, personnel from other offices of the Bureau and from the Treasury Department participated in developing the regulation, both on matters of substance and style.

## AUTHORITY AND ISSUANCE

These regulations are issued under the authority contained in Section 5 of the Federal Alcohol Administration Act (49 Stat. 981, as amended (27 U.S.C. 205)).

In view of the above, the Director is amending 27 CFR Part 4 as follows:

PARAGRAPH 1. Amend § 4.10 by: (1) changing in the definition of "container", the term "1 gallon" wherever it appears to read "4 liters"; and (2) re-writing the definition of "liter" to change the reference temperature of 20° Celsius. As amended, § 4.10 reads as follows:

## § 4.10 Meaning of terms.

*Container.* Any bottle, barrel, cask or other closed receptacle irrespective of size or of the material from which made for use for the sale of wine at retail. "Bottler" means any person who places wine in containers of 4

liters or less; and "packer" means any person who places wine in containers in excess of 4 liters.

*Liter or litre.* (1) A metric unit of capacity equal to 1000 cubic centimeters and equivalent to 33.814 U.S. fluid ounces. For purposes of this part, a liter is subdivided into 1000 milliliters (ml).

(2) For the purpose of regulation, one liter of wine is defined as that quantity (mass) of wine occupying a one-liter volume at 20° Celsius (68° F.).

PAR. 2. Amend § 4.37 by: (1) adding subtitles to each of the lettered paragraphs; and (2) requiring that equivalent net volume statements for containers of 100 U.S. fluid ounces or larger be expressed to the nearest whole ounce. As amended, § 4.37 reads as follows:

## § 4.37 Net contents.

(a) *Statement of metric net contents* \* \* \*

(b) *Statement of U.S. equivalent net contents* \* \* \*

(1) For the metric standards of fill: 3 liters (101 fl. oz.); 1.5 liters (50.7 fl. oz.); 1 liter (33.8 fl. oz.); 750 milliliters (25.4 fl. oz.); 375 milliliters (12.7 fl. oz.); 187 milliliters (6.3 fl. oz.); and 100 milliliters (3.4 fl. oz.).

(2) Equivalent volumes of less than 100 fluid ounces will be stated in fluid ounces only, accurate to the nearest one-tenth of a fluid ounce; for example, 700 ml (23.7 fl. oz.).

(3) Equivalent volumes of 100 fluid ounces or more will be stated in fluid ounces only, accurate to the nearest whole fluid ounce; for example, 6 liters (203 fl. oz.).

(c) *Exceptions.* \* \* \*

(d) *Net contents marked in bottle.* \* \* \*

(e) *Tolerances.* \* \* \*

(f) *Unreasonable shortages.* \* \* \*

PAR. 3. Revise § 4.46 by: (1) adding a paragraph permitting the release from customs custody of metric bottles of wine in nonstandard cases if the Director has granted an exemption; (2) cross referencing the exemption from standards of fill granted by § 4.70(b)(1) and (b)(2); and (3) dividing the section into paragraphs and retitling the section. As revised, § 4.46 reads as follows:

## § 4.46 Nonstandard bottles and cases.

(a) *Exemptions from standards of fill.* After December 31, 1978, a person may import wine in containers not conforming to the metric standards of fill prescribed at § 4.73 if the wine is—

(1) Accompanied by a statement signed by a duly authorized official of the appropriate foreign country, stating that the wine was bottled or packed before January 1, 1979;

(2) Being withdrawn from a Customs bonded warehouse into which it was entered before January 1, 1979; or

(3) Exempt from the standard of fill requirements as provided by § 4.70 (b)(1) or (b)(2).

(b) *Exemption from standard cases.* After December 31, 1978, a person may import wine in containers conforming to the metric standards of fill and in cases not conforming to the bottles per case requirements of § 4.74 if the wine is—

(1) Accompanied by a copy of the application approved by the Director as provided in § 4.74(b);

(2) Being withdrawn from a Customs bonded warehouse into which it was entered before January 1, 1979; or

(3) Exempt from the standard wine container regulations as provided by § 4.70 (b)(1) or (b)(2).

PAR. 4. Amend § 4.70 by lowering the exemption from standard wine container regulations from 5 wine gallons to 18 liters and by making certain editorial changes to improve the clarity of the section. As amended, § 4.70 reads as follows:

## § 4.70 Application.

(a) \* \* \*

(b) Sections 4.70-4.74 do not apply to—

(1) Sake;

(2) Wine packed in containers of 18 liters or more;

(3) Imported wine in the original containers in which entered customs custody if the wine was bottled or packed before January 1, 1979; or

(4) Wine domestically bottled or packed, either in or out of customs custody, before October 24, 1943, if the container, or the label on the container, bears a conspicuous statement of the net contents, and if the actual capacity of the container is not substantially less than the apparent capacity upon visual examination under ordinary conditions of purchase or use.

(c) Sections 4.73-4.74 do not apply to wine domestically bottled or packed, either in or out of customs custody, before January 1, 1979, if the wine was bottled or packed according to the standards of fill prescribed by § 4.72.

PAR. 5. Amend § 4.73 by: (1) Adding a paragraph permitting use of any container larger than 3 liters if it is an even liter amount; (2) adding subtitles to each of the lettered paragraphs; and (3) making editorial changes to improve the clarity of the section. As amended, § 4.73 reads as follows:

## § 4.73 Metric standards of fill.

(a) *Authorized standards of fill.* The standards of fill for wine are the following:

(b) *Sizes larger than 3 liters.* Wine may be bottled or packed in containers



of 4 liters or larger if the containers are filled and labeled in quantities of even liters (4 liters, 5 liters, 6 liters, etc.).

(c) *Tolerances.* The tolerances in fill are the same as are allowed by § 4.37 in respect to statement of net contents on labels.

(d) *Completeness of conversion.* Once a bottler has discontinued bottling in a given type or style of bottle (for example: burgundy bottle, champagne bottle, etc.) corresponding to a standard of fill prescribed by § 4.72, and has begun bottling in a replacement standard of fill prescribed by this section, the bottler may not revert back for that particular type or style of bottle, to the standard of fill prescribed by § 4.72.

(e) *Effective date.* The effective date of paragraphs (a) through (c) of this section is January 1, 1979, except that, the standards of fill prescribed by this section may be applied in lieu of those listed at § 4.72 on or after January 1, 1975. When the metric standards of fill are applied prior to January 1, 1979, the equivalent volume in U.S. measure will also be stated as specified in § 4.37(b).

PAR. 6. Amend § 4.74 by adding a paragraph providing an exception to the bottles per case requirement in instances when the bottler or importer can demonstrate good cause. As amended, § 4.74 reads as follows:

§ 4.74 Bottles per shipping case.

(a) *General.* Wines bottled subject to the standards of fill prescribed by § 4.73 will be packed with the following number of bottles per shipping case or shipping container—

Bottle sizes	Bottles per case
3 liters.....	4
1.5 liters.....	6
1 liter.....	12
750 milliliters.....	12
375 milliliters.....	24
187 milliliters.....	48
100 milliliters.....	60

(b) *Exception.* The Director may waive the bottles per case requirement set forth in paragraph (a) of this section if the bottler or importer can prove good cause. The bottler or importer shall make written application to the Director, and may include diagrams or photographs which demonstrate why the bottles cannot be packed with the prescribed number per case. The bottler or importer may not introduce wine in nonstandard cases into interstate or foreign commerce or remove the wine from customs custody until the Director approves the application.

Signed: March 27, 1978.

REX D. DAVIS,  
Director.

Approved: April 26, 1978.

RICHARD J. DAVIS,  
Assistant Secretary  
of the Treasury.

[FR Doc. 78-12545 Filed 5-8-78; 8:45 am]

[4410-01]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 780-78]

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

Subpart B—Production or Disclosure in Response to Subpoenas or Demands of Courts or Other Authorities

DELEGATION OF AUTHORITY TO THE DIRECTOR, U.S. MARSHALS SERVICE, TO APPROVE PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: Existing Department regulations concerning production of material or disclosure of information of the Department by employees or former employees, in response to a subpoena or other demand of a court or other authority, authorize certain Department officials to approve release of material or information. With respect to material and information of the U.S. Marshals Service, the present regulations provide that release must be approved by the Deputy Attorney General. This order authorizes the Director of the U.S. Marshals Service to release information and materials from files under his jurisdiction and will relieve the Deputy Attorney General of the administrative burden of approving release of materials. The authority to refuse disclosure remains with the Deputy Attorney General for all units of the Department.

EFFECTIVE DATE: April 27, 1978.

FOR FURTHER INFORMATION CONTACT:

William E. Hall, Director, United States Marshals Service, U.S. Department of Justice, Washington, D.C. 20530 202-739-5345.

By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301, § 16.23 of Subpart B of Part 16 of Chapter I of Title 28, Code of Federal Regulations, is amended by deleting the word "and" at the end of paragraph (b)(2)(iv), by adding the word "and" at the end of paragraph (b)(2)(v), and by adding the following new paragraph (b)(2)(vi):

§ 16.23 Procedure in the event of a demand for production or disclosure.

(b) \*\*\*  
(2) \*\*\*

(vi) The Director of the United States Marshals Service, if the demand is one made on an employee or former employee of the Service for information or if the demand calls for the production of material from the files of the Service.

Dated: April 27, 1978.

MICHAEL J. EGAN,  
Acting Attorney General.

[FR Doc. 78-12581 Filed 5-8-78; 8:45 am]

[4510-26]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Certification of Completion of Developmental Steps for Hawaii Plan

AGENCY: Occupational Safety and Health Administration.

ACTION: Final rule.

SUMMARY: This Amendment officially recognizes that the State of Hawaii has completed all of the developmental steps specified in its occupational safety and health plan as approved on January 4, 1974 (39 FR 1012), and commencing with this completion, operations under the plan will be subject to extensive evaluation to determine whether Federal occupational safety and health standards development and enforcement authority will be relinquished within the State pursuant to section 18(e) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667(e)).

EFFECTIVE DATE: April 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Marjorie N. Sauber, Project Officer, Office of State Programs, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Washington, D.C. 20210, 202-653-5377.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Subpart D of part 1902 of title 29, Code of Federal Regulations (40 FR 54780), sets out procedures under which the Assistant Secretary of