proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[6355-01-M]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Parts 1608, 1610, 1611]

REASONABLE AND REPRESENTATIVE TESTS AND GUARANTIES UNDER THE FLAMMABLE FABRICS ACT

Extension of Comment Period

AGENCY: Consumer Product Safety Commission.

ACTION: Extension of time.

SUMMARY: The Commission extends by sixty days (until February 16, 1979) the period for submitting written comments on its proposed revision and amendment of the Flammable Fabrics Act regulations concerning (1) guaranties, (2) "reasonable and representative" tests for guaranties issued under the Standard for the Flammability of Clothing Textiles and the Standard for the Flammability of Vinyl Plastic Film and (3) general regulations for all products subject to a standard issued under the Flammable Fabrics Act. In the proposal, the Commission proposed eliminating class testing of fabric. The National Retail Merchants Association asked for the extension to allow time for it to plan and coordinate a program to develop a test system for classes of fabrics. The Commission granted the request since the development of a class test system with adequate criteria for defining a class would lessen the possible adverse economic impact of the proposed amendments.

DATES: Written comments must be submitted on or before February 26, 1979.

ADDRESSES: Written comments preferably in five copies, should be submitted to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:

Phyllis Buxbaum, Directorate for Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492-6626.

SUPPLEMENTARY INFORMATION: On October 17, 1978, (43 FR 47952) the Commission proposed revisions and amendments of the Flammable Fabrics Act regulations concerning (1) guaranties issued by the sellers of products subject to the Act that the products conform to the applicable standard, (2) "reasonable and representative" tests to show the basis for guaranties of fabrics covered by the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610) and the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611), and (3) general regulations applicable to all products subject to a standard issued under the Flammable Fabrics Act (16 CFR Part 1608). The comment period on the proposal was originally set to expire December 18, 1978.

The purpose of the proposed amendments is to update the regulations and to simplify and clarify them so they can be more easily understood, and so that compliance will be easier. Few substantive amendments were proposed. However, one of the proposed changes to these rules is the deletion of the references to class tests (present §§ 1608.2, 1610.37(a), and 1611.37(a)). The Commission proposed the deletion because the present rules provide no definitive criteria for what constitutes a class. The present rules refer to class tests as follows:

> "Class" * * * means a category of textile fabrics having certain general constructional or finished characteristics, sometimes in association with a particular fiber, and covered by a class or type description generally recognized by the trade. In certain instances the use of class tests is restricted * * * to a particular textile fabric of the same fiber composition, construction, and finish type. The results of such class tests may be used by any person as a basis for furnishing guaranties under section 8 of the act on all textile fabrics of the same class.

On December 12, 1978, the Commission received a request from the National Retail Merchants Association (NRMA) for a sixty day extension of time for filing written comments on the proposal. The extension request states that "class testing has proved an effective and economical means of assessing the safety of many fabrics, * * * [and] could save industry (and the public) hundreds of thousands of dollars, at no loss in safety." The extension is desired to allow for the planning and coordination of a program to develop a new class test system.

Since the proposed amendments are largely for the purposes of simplification and clarification, and affect few substantive safety-related provisions, the Commission is willing to provide a reasonable period of time for the exploration of ways to devise a class test system incorporating adequate criteria for defining a class. Accordingly, the Commission extends the period for filing written data, views, and arguments concerning the proposal until February 16, 1978. Comments received after that date will be considered only to the extent practicable.

Written submissions and any accompanying data or materials should be submitted preferably in five copies, to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be supported by a memorandum or brief.

Any comments that are received and all other material which the Commission has that is relevant to this proposal may be seen in, or copies obtained from, the Office of the Secretary, Third Floor, 1111 18th Street, N.W., Washington, D.C. 20207.

Dated: January 4, 1979.

SHELDON D. BUTTS,
Acting Secretary, Consumer Product Safety Commission.

[FR Doc. 79-757 Filed 1-8-79; 8:45 am]

[8010-01-M]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-15452; File No. S7-765]

FINANCIAL RESPONSIBILITY RULES AND BROKER-DEALER REPORTING RULE

Amendments to Conform to the Securities Investor Protection Act of 1970

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rules.

SUMMARY: The Commission is proposing for public comment a rule designating "financial responsibility rules" to conform to the amendments to the Securities Investor Protection Act of 1970, and proposing for public comment an amendment to its broker-dealer reporting rule making clear that the report on the Securities Investor Protection Corporation assessment is an non-public document.

DATE: Comments should be received on or before February 5, 1979.

ADDRESS: All comments should be submitted in triplicate and directed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comments should refer to file No. S7-768 and will be available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Michael A. Macchiaroli, Special Counsel, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. (202) 376-8127.

SUPPLEMENTARY INFORMATION: The Securities Investor Protection Act Amendments of 1978 (Pub. L. No. 95-283, 92 Stat. 249) ("SIPA") necessitate that the Commission add a new rule to be designated Rule 3a40-1 (17 CFR 240.3a40-1).

Under Section 5 of SIPA, the court may enter a protective decree on behalf of customers if the court finds, among other things, that a debtor broker-dealer is not in compliance with applicable requirements under the Act or rules with respect to financial responsibility or hypothecation of customers' securities, or if the debtor broker-dealer is unable to make such computations as may be necessary to establish compliance. Section 13 of SIPA also refers to financial responsibility rules in connection with inspections of broker-dealers which are members of the Securities Investor Protection Corporation ("SIPC"). Section 16 of SIPA amended Section 3(a) of the Securities Exchange Act of 1934 (the "Exchange Act") by adding a new paragraph defining "financial responsibility rules" as "the rules and regulations of the Commission or the rules and regulations prescribed by any self-regulatory organization relating to financial responsibility and related practices which are designated by the Commission, by rule or regulation, to be financial responsibility rules."

The proposed new rule would designate as "financial responsibility rules" all rules and regulations adopted pursuant of Section 8, 15(c)(3), 17(a) and 17(e)(1)(A) of the Exchange Act, all rules and regulations relative to hypothecation or lending of customer securities, and all rules adopted by self-regulatory organizations relating to capital or margin requirements, recordkeeping requirements, hypothecation requirements or any other rule adopted by the Commission or a self-regulatory organization relating to the protection of funds or securities.

In addition, Rule 17a-5(e)(4) (17 CFR 240.17a-5(e)(4)) requires the filing of a supplemental report covering the SIPC annual general assesent reconiliation or exclusion from membership form for periods when the SIPC assessment is not the minimum assessment as provided for in new Section 4(d)(1)(C) of SIPA. The Commission is proposing for comment an amendment to the Rule which would make clear that the report on the SIPC assessment is intended to be non-public. The amendment would be consistent with the present administrative practice of treating these reports as non-public.

Statutory Basis and Competitive Considerations

The Securities and Exchange Commission, acting pursuant to the Securities Exchange Act of 1934, and particularly Sections 3, 15(c)(3), 17(a) and 23 thereof (15 U.S.C. 78c, 78o, 78q(a) and 78(u), hereby proposes for public comment new Rule 3a40-1 (17 CFR 240.3a40-1 designating "financial responsibility rules" for purposes of customer protection under SIPA and amendments to Rule 17a-5(e)(4), (17 CFR 240.17a-5 (e)(4)), clarifying the non-public nature of the report on the SIPC assessment, all as set forth below.

It appears to the Commission that no burden will be imposed on competition by adoption of the above mentioned amendments. If there is any burden on competition, it is necessary and appropriate in furtherance of the purposes of the Act, particularly in furtherance of the Commission's obligation to adopt financial responsibility rules.

Text of Amendments

The following amendment and new rule are hereby proposed for public comment:

Attention

The text of the following amendments uses arrows [> <] to indicate additions.

1. 17 CFR 240 is amended by adding a new § 240.3a40.1 to read as follows:

§ 240.3a40-1 Designation of financial responsibility rules.

The term "financial responsibility rules" for purposes of the Securities Investor Protection Act of 1970 as amended in 1978 shall include:

(a) Any rule adopted by the Commission pursuant to Section 15(c)(3) of the Securities Exchange Act of 1934;

(b) Any rule adopted by the Commission pursuant to Section 17(a) of the Securities Exchange Act of 194;

(c) Any rule adopted by the Commission pursuant to Section 8 of the Securities Exchange Act of 1934;

(d) Any rule adopted by the Commission relating to hypothecation or lending of customer securities;

(e) Any rule adopted by the Commission pursuant to Section 17(e)(1)(A) of the Securities Exchange Act of 1934;

(f) Any rule adopted by any self-regulatory organization relating to capital or margin requirements, recordkeeping requirements, hypothecation requirements, lending requirements and any other rule relating to protection of funds or securities; and

(g) Any other rule adopted by the Commission relating to the protection of funds or securities.

2. 17 CFR 240 is amended by revising § 240.17a-5(e)(4) to read as follows:

§ 240.17a-5 Reports to be made by certain brokers and dealers.

* * * * *

(e) * * *

(4) The broker or dealer shall file with the report a supplemental report which shall be covered by an opinion of the independent public accountant on the status of the membership of the broker or dealer in the Securities Investor Protection Corporation ("SIPC") if, pursuant to paragraph (e)(1) of this section, a report of the broker or dealer is required to be covered by an opinion of a certified public accountant or a public accountant who is in fact independent. The supplemental report> (which shall be non public)< shall cover the SIPC annual general assessment reconciliation or exclusion from membership forms not previously reported on under this paragraph (4) which were required to be filed on or prior to the date of the report required by paragraph (d) of this section. The supplemental report, an original of which shall be submitted to the regional office of the Commission for the region in which the broker or dealer has its principal place of business, the Commission's principal office in Washington, the principal office of the designated examining authority for such broker or dealer and the office of SIPC, shall be bound separately, be dated and be signed manually, and shall include the following:

* * * * *

By the Commission.

George A. Fitzsimmons,
Secretary.

January 2, 1979.

[FR Doc. 79-822 Filed 1-8-79; 8:45 am]

[4110-03-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 145]

[Docket No. 78N-0138]

CANNED FRUITS

Proposed Revision of Standard of Quality for Canned Pears

AGENCY: Food and Drug Administration.

ACTION: Reopening of Comment Period on Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is reopening the comment period on a proposal to revise the standard of quality for canned pears. This action is based on two requests for additional time to respond to the proposal.

DATE: Comments by January 23, 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:

F. Leo Kauffman, Bureau of Foods (HFF-414), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, DC 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of July 25, 1978 (43 FR 32143), FDA proposed to amend the standard of quality for canned pears (§ 145.175(b) (21 CFR 145.175(b))). Comments were to be filed by September 25, 1978.

The Commissioner of Food and Drugs later received requests from the Food Safety and Quality Committee (formerly the Standards Committee) of the Canners League of California (CLC), 1007 L Street, Sacramento, CA 95814 and the Processed Products Standards Committee of the Northwest Food Processors Assocation (NWFPA), 2828 SW. Corbett, Portland, OR 97201 for an extenstion of the comment period on the proposal. Both stated that additional time was needed to permit them to develop the information and data they consider necessary to enable them to respond properly to the proposed amendment.

The CLC stated in support of its request that the comment period coincides with the height of the packing season in California. The CLC further stated that work has started on developing information on several of the issues, that a study has commenced on the weight and diameter relationships for the uniformity of size requirement for canned pear halves and quarters styles, and that an additional 120 days will be needed for the generation of data during the packing season and later analysis and evaluation.

The NWFPA stated that the packing season in the Northwest will only have begun shortly before the original deadline for comments. In support of its request, the NWFPA later stated that the packing season would extend at least through December, and, depending on the harvest, that the canning season might extend into January 1979. It further stated that information needed on pears ripened in controlled atmospheric storage is not predictable and that this information, because it may be variable, should be collected during the entire canning season.

In the preamble to the proposal, the Commissioner stated that diameter may be a more meaningful basis than weight for determining uniformity of size as a factor of quality of canned pears, but that no data are available to show a direct relationship between diameter and uniformity of size (weight). The Commissioner repeats that any such change in the uniformity of size requirement should be the subject of a new proposal so that all interested persons may have an opportunity to comment.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner (21 CFR 5.1), the comment period on the proposal to amend the standard of quality for canned pears is reopened and extended through the canning season in the Northwest to January 23, 1979.

Interested persons may, on or before January 23, 1979, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding the proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall 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: January 3, 1979.

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

[FR Doc. 79-721 Filed 1-8-79; 8:45 am]

[4110-03-M]

[21 CFR Part 510]

[Docket No. 78N-0206]

NEW ANIMAL DRUGS

Records and Reports on New Animal Drugs and Antibiotics That Were Approved Before June 20, 1963

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to extend requirements for periodic reporting of drug experience for new animal drugs, including antibiotics and medicated feed premixes bearing or containing new animal drugs, approved before June 20, 1963. This information will provide a basis to require appropriate revisions for use of the products or revoke the authority for their use when necessary. This action will also facilitate a determination that the animal drugs subject to the proposed regulation are in compliance with the requirements of the Federal Food, Drug, and Cosmetic Act.

DATE: Comments by March 12, 1979.

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

FOR FURTHER INFORMATION CONTACT:

Andrew J. Beaulieu, Bureau of Veterinary Medicine (HFV-216), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4093.

SUPPLEMENTARY INFORMATION: This proposal concerns reporting requirements for new animal drugs, including antibiotics and medicated feed premixes bearing or containing new animal drugs, approved before June 20, 1963. The records and reports requirements for such products are presently set forth in § 510.310 of the new animal drug regulations (21 CFR 510.310).

Section 510.310 was originally published as § 135.35 in the FEDERAL REGISTER of September 14, 1971 (36 FR 18375). That regulation requires sponsors of new animal drugs approved before June 20, 1963 to submit one report within 90 days of the effective date of the regulation including identification of the dosage form of the new animal drug by its established and proprietary names, the formula, route of administration, and the new animal drug application number or other identification or application number. The regulation also requires submission of information as to whether the