

in this proposed amendment to provide for changes in manufacturing practices relating to products which do not have their expiration date determined from the date of harvest.

This proposed amendment would delete the "U.S. Standards of Potency" requirement, would provide for different potency evaluation tests, and would delete the "from-harvest" requirement.

In § 114.14, paragraphs (a)(1) and (b)(1) would be revised to read as follows:

§ 114.14 Extension of the expiration date for a serial or subserial.

(a) * * *

(1) If all fractions of the product are not evaluated for potency by tests designated in the filed Outline of Production for such product in accordance with § 113.4(b) of this subchapter; or

(b) * * *

(1) The new expiration date shall not exceed 6 months beyond the maximum time permitted in the filed Outline of Production; and

All written submissions made pursuant to this notice will be made available for public inspection at the address listed in this document during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 12.7(b)).

Done at Washington, D.C., this 28th day of September 1977.

Note.—The Animal and Plant Health Inspection Service 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.

NORVAN L. MEYER,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc. 77-28996 Filed 10-3-77; 8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 226]

[6210-01]

[Reg. Z; Docket Nos. R-0087, R-0093]

PART 226—TRUTH IN LENDING

Proposed Amendment to Regulation Z
Concerning Descriptive Billing Requirements

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the provision of Regulation Z that now requires that the date that a cash advance check transaction takes place be disclosed on the creditor's descriptive periodic billing statement. In lieu of disclosing the transaction date, the proposal would permit creditors to disclose the date of debiting (the date on which a creditor honors a cash advance check) provided that the creditor treats any subsequent related inquiry from a

customer as a billing error and an erroneous billing under the Fair Credit Billing Act. The purpose of the proposed rule is to facilitate compliance by certain creditors who have experienced operational difficulties in capturing transaction dates. Creditors with the capability of disclosing transaction dates would be permitted to do so.

DATE: Comments must be received on or before November 1, 1977.

ADDRESS: Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. All materials submitted should include the docket numbers R-0087, R-0093.

FOR FURTHER INFORMATION CONTACT:

Glenn E. Loney, Attorney, Fair Credit Practices Section, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-2412).

SUPPLEMENTARY INFORMATION: The Board of Governors of the Federal Reserve System is publishing for comment a proposed amendment to Regulation Z designed to facilitate compliance with the disclosure requirements relating to cash advance check transactions that are descriptively billed on periodic billing statements. The proposed amendment is in response to serious operational difficulties experienced by a number of creditors in capturing transaction dates on such checks. The regulation currently requires that transaction dates be disclosed in all cases. The proposed amendment would permit debiting dates to be disclosed in substitution for transaction dates provided that the creditor treats any subsequent customer inquiries seeking clarification of cash advance check transactions as billing errors and erroneous billings under the regulation. This would mean that no finance charge on such transactions would be allowed to accrue during the time that the creditor took to provide the customer with documentary or other evidence supporting the transactions. The current requirements were to become fully effective on October 28, 1977. In light of the creditor compliance problems with these requirements, the Board on August 31, 1977, suspended this effective date with regard to cash advance transactions until March 28, 1978.

The Board believes that the substitution of the date of debiting may be permitted without harm to the consumer's understanding of transaction activity in his or her open end credit account. Cash advance transactions appear to be relatively infrequent as compared with purchase transactions in such accounts. Moreover, cash advance transactions appear to be substantially larger in amount. Evidence submitted in support of these assumptions indicated that one bank's open end credit plan averaged six cash advance transactions per account during 1976 and that the average amount was \$176. Comparable figures on purchase transactions under the same plan

were 24 transactions per account during the year for an average amount of \$29. This evidence suggests that consumers may have less difficulty in recalling cash advance transactions in light of their relative infrequency and high dollar amounts.

The Board is interested in having the views of interested persons on whether these assumptions on dollar volume and frequency are typical of other open end credit plans. It is also interested in receiving relevant cost data on supplying transaction dates and debiting dates.

Pursuant to the authority granted in 15 U.S.C. 1604 (1970), the Board proposes to amend paragraph 226.7(k)(3) (II) of Regulation Z, 12 CFR Part 226 as follows:

§ 226.7 Open end credit accounts—specific disclosures.

(k) * * *

(3) * * *

(II) A description of the transaction, which characterizes it as a cash advance, loan, overdraft loan, or other designation as appropriate, and which includes the amount of the transaction and the date of the transaction" or the date which appears on the document or instrument evidencing the transaction (if the customer signed the document or instrument), or the date of debiting the amount to the account, provided that if only the debiting date is disclosed and the customer submits a proper written notification of a billing error related to the transaction, the creditor shall treat such inquiry as a billing error under §§ 226.2(f) and 226.14, and as an erroneous billing under § 226.14(b), and shall supply documentary evidence of the transaction whether or not the customer requests it, within the time period allowed under § 226.14 for resolution of a billing error without charge to the customer. If the date of debiting is disclosed, it must be reasonably identified as such on the periodic statement.

To aid in the consideration of this proposal by the Board, interested persons are invited to submit relevant data, views, comments, or arguments. All such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 1, 1977. All material submitted should include the docket numbers R-0087, R-0093. Such information will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

This notice is published pursuant to § 553(b) of Title 5 United States Code

* In cases in which an amount is debited to a customer's open end credit account under an overdraft checking plan, the date of debiting the open end credit account shall be considered the date of the transaction for purposes of this paragraph.

and § 262.2(a) of the Rules of Procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2(a)).

By order of the Board of Governors,
September 28, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-29214 Filed 10-3-77; 8:45 am]

[6355-01]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Parts 1304, 1305]

RESPIRABLE FREE-FORM ASBESTOS

Proposal To Ban Certain Patching Compounds and Artificial Emberizing Materials (Embers and Ash); Extension of Time

AGENCY: Consumer Product Safety Commission.

ACTION: Extension of time.

SUMMARY: This notice extends from September 27, 1977, to November 28, 1977, the period in which the Commission must either publish in the FEDERAL REGISTER a consumer product safety rule to declare that two consumer products containing respirable free-form asbestos are banned hazardous products under section 9 of the CPSA (15 U.S.C. 2058), or withdraw the rule proposed on July 29, 1977.

FOR FURTHER INFORMATION CONTACT:

John Liskey, Consumer Product Safety Commission, Washington, D.C. 20207 (301-492-6557).

SUPPLEMENTARY INFORMATION: On July 29, 1977, the Commission published in the FEDERAL REGISTER (42 FR 38783) a proposal to ban consumer patching compounds and artificial emberizing materials (embers and ash) containing respirable free-form asbestos. Based on information discussed in the proposal, the Commission stated its preliminary determination that inhalation of asbestos fibers released during the use of these products, present an unreasonable risk of injury to the public of certain types of cancer, including lung cancer and mesothelioma. The Commission also preliminarily determined that no feasible standard under the CPSA could adequately protect the public from the unreasonable risk of injury associated with these products.

The FEDERAL REGISTER notice of July 29, 1977, invited interested persons to submit written comments on the proposal by August 29, 1977. In addition, the notice invited interested persons to make oral presentations of data, views, or arguments on the proposal at a public meeting on August 15, 1977. During the August 15 meeting, the Commission solicited other written comments on the oral presentations.

To date, the Commission has received approximately 25 written comments concerning the proposed ban; several of

these were received by the staff after the closing date for comments, August 29, 1977. Many of the comments and oral presentations concern complex, technical issues that must be reviewed by the Commission staff prior to evaluation by the Commission. Since the comment period expired recently, the Commission staff will require additional time to analyze these comments and brief the Commission.

Accordingly, pursuant to section 9(a) (1) of the CPSA, the period of time in which the Commission must either publish a consumer product safety rule declaring that consumer patching compounds and artificial emberizing materials containing respirable free-form asbestos are banned hazardous products, or withdraw the rule proposed on July 29, 1977, is extended to November 28, 1977. This period may be further extended for good cause by notice published in the FEDERAL REGISTER.

Dated: September 28, 1977.

RICHARD E. RAPPS,
Secretary, Consumer Product
Safety Commission.

[FR Doc.77-29106 Filed 10-3-77; 8:45 am]

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 133]

[Docket No. 77P-0070]

PASTEURIZED PROCESS CHEESE AND CHEESE PRODUCTS

Proposed Revision of Definitions and
Standards of Identity

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This proposal would revise the definitions and standards of identity for pasteurized process cheese and other pasteurized process cheese products. It is based on petitions for establishing such standards which have been received from the industry as well as on recommended international standards. The proposed rule would make a wider variety of high quality, lower fat products available.

DATE: Comments by January 3, 1978. Proposed compliance for products initially introduced into interstate commerce: July 1, 1979.

ADDRESS: Written comments to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Eugene T. McGarrahan, Bureau of Foods (HFF-415), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204 (202-245-1155).

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs, on his own initiative and in consideration of two separate petitions and the Codex Alimentarius Recommended International Standards (A-8 (a), (b), and (c) for process cheese and cheese products), proposes to revise the standards of identity for pasteurized process cheese and other pasteurized process cheese products.

PETITIONS FOR PROMULGATION OF STANDARD OF IDENTITY

A petition was filed by Borden, Inc., 50 West Broad St., P.O. Box 2478, Columbus, Ohio 43216, proposing that a standard of identity be established for a pasteurized process cheese product that contains less fat than is currently provided for in the standards of identity for pasteurized process cheese, pasteurized process cheese food, and pasteurized process cheese spread (21 CFR 133.169, 133.173, and 133.179, respectively), and is prepared from skim milk cheese for manufacturing (21 CFR 133.685) as a mandatory cheese ingredient with or without other optional cheese varieties.

A notice was published in the FEDERAL REGISTER of October 22, 1971 (36 FR 20451), granting a marketing permit to Borden, Inc., for limited interstate marketing tests of a pasteurized process cheese product that deviated from the identity standards prescribed in §§ 133.169 and 133.173, in that it contained skim milk cheese for manufacturing and American type cheeses as the cheese ingredient, enzyme-modified cheese, and less fat (8.0 percent fat). A notice extending this permit to July 13, 1973 was published in the FEDERAL REGISTER of September 30, 1972 (37 FR 20582).

Based on the technological and marketing information obtained during the permit period, Borden has set forth the following grounds in support of the proposal to establish a standard of identity for a pasteurized process cheese product:

(1) One of the most prevalent nutritional problems in the United States is excessive calorie intake. Expanding the availability of a wide assortment of calorie-reduced foods is in the best interest of consumers since this will better enable them to plan a reduction in their total intake of calories.

(2) There is a great interest on the part of consumers in modified food products having reduced fat and/or calorie content.

(3) It is technically and economically feasible to make a pasteurized process cheese product that is substantially lower in fat and calories than presently available in standardized process cheese, process cheese food, and process cheese spread.

(4) Market testing has shown that a substantial number of consumers will purchase and repurchase a pasteurized process cheese product with a lower fat content than presently available.

(5) The pasteurized process cheese product described in item (3) has a flavor, taste, and texture that is highly