any issue involved in an adjudicative proceeding thereafter instituted, the Commission may rely upon the rule to resolve such issue, provided that the respondent shall have been given a fair hearing on the applicability of the rule to the particular case.

§ 1.24 Rules applicable to wool, fur, and textile fiber products and rules promulgated under the Fair Packaging and Labeling Act.

Rules having the force and effect of law are authorized under section 6 of the Wool Products Labeling Act of 1939, section 8 of the Fur Products Labeling Act, section 7 of the Textile Fiber Products Identification Act, and sections 4, 5, and 6 of the Fair Packaging and Labeling Act.

Subpart J—Economic Surveys, Investigations and Reports

3. Subpart J is redesignated from Subpart C and § 1.21 is redesignated as § 1.91 of this subpart.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46), Pub. L. No. 93-637, Sec. 202 (Jan. 4, 1975).)

By direction of the Commission, dated March 11, 1975.

[SEAL] VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.75-8489 Filed 4-2-75;8:45 am]

PROCEDURES AND RULES OF PRACTICE

Miscellaneous Amendments

The Commission announces the following amendments to 16 CFR Chapter I. The amendments are effective April 4, 1975.

PART 1—GENERAL PROCEDURES

Subpart A—Industry Guidance

1. Section 1.4(b) is revised to provide for confidential treatment in appropriate circumstances of information contained in formal written objections or comments on requests for advice concerning proposed mergers. Section 1.4(b) is revised to read as follows:

Section 1.4 Public disclosure.

* * * * *

(b) All requests for advice submitted under § 1.2 concerning proposed mergers, together with supporting materials, will be placed on the public record as soon after they are received as circumstances permit, except for information for which confidential classification has been requested, with a showing of justification therefor, and which the Commission, with due regard to statutory restrictions, its rules, and the public interest, has determined should not be made public. Within thirty (30) days after such requests and materials are placed on the public record, any person may file formal written objections or comments with the Secretary of the Commission. Such objections or comments shall be placed on the public record except for information for which confidentiality has been requested, with a showing of justification therefor, and which the Commission with due regard to statutory restrictions, its rules, and the public interest, has determined should not be made public. Additionally, any communications, written or oral, concerning such proposed mergers, received by any individual member of the Commission, or by an employee involved in the decisional process, will be placed on the public record immediately after their receipt. In the case of an oral communication, the member or employee shall immediately furnish the Commission with a memorandum setting forth the full contents of such communication and the circumstances thereof, and such memorandum will immediately be placed on the public record. Any advice given under § 1.3 concerning proposed mergers, together with a statement of supporting reasons, will be published when given.

Subpart G—Injunctive and Condemnation Proceedings

3. Section 1.61 is revised to take into account the Commission's expanded injunctive authority granted under the Trans-Alaska Pipeline Authorization Act, Pub. L. 93-153 section 408(f).

Section 1.61 is revised to read as follows:

§ 1.61 Injunctions.

In those cases where the Commission has reason to believe that it would be to the interest of the public, the Commission will apply to the courts for injunctive relief, pursuant to the authority granted in section 13 of the Federal Trade Commission Act.

Subpart I—Procedures for Implementation of the National Environmental Policy Act of 1969

Sections 1.81–1.86 are revisions (1) to accord with the National Council on Environmental Quality's revised Guidelines on "Preparation of Environmental Impact Statements", (2) to integrate provisions relating to rules and guides and those relating to legislative matters, and (3) to expand §§ 1.83–1.84 into three sections, each ot deal with a discrete segment of the Environmental Act chronology and duties. A proposed revision of §§ 1.81–1.86 was published December 6, 1973, 38 FR 33618. The differences in the proposed rules and the rules adopted appear in § 1.82(c) with the substitution of "emergency action makes * * *" for peditious action is in the public interest," and in § 1.84(c) with the substitution of "emergency action makes * * * *" for "emergencies make * * *".

4. Section 1.81 (a) and (b) are revised to read as follows:

§ 1.81 Authority and definition.

(a) This subpart is issued pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Pub. L. 91-190 (NEPA), as implemented by Executive Order 11514 and by "Preparation of Environmental Impact Statements: Guidelines," issued by the Council on Environmental Quality (CEQ), 40 CFR 1500.1, et seq. (1973) (CEQ Guidelines).

(b) As used in this subpart, "environmental impact statement" means a detailed statement, as provided for in NEPA, Executive Order 11514, and CEQ Guidelines, on:

(1) The environmental impact of a proposed action;

(2) Any adverse environmental effects which cannot be avoided should the proposal be implemented;

(3) Alternatives to the proposed action;

(4) The relationship between local short-term uses of man's environment and enhancement of long-term productivity; and

(5) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

* * * * *

5. Section 1.82 is revised to read as follows:

§ 1.82 Declaration of policy.

(a) No Commission rule or guide which is a major action significantly affecting the environment will be promulgated unless an environmental impact statement has been prepared for consideration in the decisionmaking, and

(b) No Commission legislative proposal or Commission legislative report on a proposal in an area in which the Commission has primary responsibility, concerning a matter significantly affecting the environment, will be submitted to Congress without an accompanying environmental impact statement, except that

(c) An environmental impact statement will not be prepared when the Commission finds that emergency action is necessary. In such instance, the Commission will consult with CEQ and develop a statement promptly after the action, in accordance with CEQ Guidelines, 40 CFR 1500.11(e).

(d) Nothing in this procedure shall be construed as stating or implying that section 102(2)(C) of NEPA applies to: any investigation made by the Commission for law enforcement purposes; any process or order issued by the Commission in connection with any type of investigation; any agreement of voluntary compliance or consent decree entered into by the Commission; or any adjudicatory proceedings commenced by the Commission.

6. Section 1.83 (a) and (b) are revised and new paragraphs (c) and (d) are added to read as follows:

§ 1.83 Draft environmental impact statements: availability and comment.

(a) Staff proposals recommending the initiation of a rule or guide proceeding, as well as staff evaluations of legislative proposals and legislative reports in an area in which the Commission has primary responsibility, shall include an assessment of the anticipated environmental impact, based on CEQ Guidelines, 40 CFR 1500.6 (a), (b).

(b) Upon the determination of the Commission that a matter subject to paragraph (a) of this section is a major action having a significant effect on the quality of the human environment, it

shall prepare a draft environmental impact statement. In legislative matters, a copy of the draft environmental impact statement, together with the legislative proposal, shall be submitted to the Office of Management and Budget (OMB), in accordance with applicable provisions of OMB Circular No. A–19. In rule or guide proceedings, and in legislative matters not subject to OMB Circular No. A–19, the draft environmental impact statement shall be

(1) Transmitted to CEQ for listing in the weekly FEDERAL REGISTER notice of draft environmental impact statements;

(2) In rule or guide proceedings, placed in the public record to which it pertains; in legislative matters, placed in a public record to be established, containing the legislation or legislative report to which it pertains; these will be available to the public through the Office of the Assistant Secretary for Legal and Public Records, Federal Trade Commission, Washington, D.C. 20580;

(3) Published in full with the appropriate proposed rule, guide, legislation, or legislative report in the FEDERAL REGISTER;

(4) Forwarded to the Environmental Protection Agency's Office of Federal Activities (EPA) and to the National Technical Information Service of the Department of Commerce, Springfield, Virginia 22151 (NTIS);

(5) Circulated to appropriate Federal, State, and local agencies with jurisdiction by law or special expertise, by means, where appropriate, of Office of Management and Budget (OMB) Clearinghouse Mechanism No. A–95 (revised);

(6) Circulated to appropriate private organizations and individuals;

(7) In the case of legislation, transmitted to Congress together with the proposed legislation or report to which it pertains.

(c) Forty-five (45) days will be allowed for comment on the draft environmental impact statement, calculated from the date of inclusion in CEQ's weekly Federal Register list of draft environmental impact statements. Comments on draft environmental impact statements may be in any reasonable form, addressed to the Office of the Secretary, Federal Trade Commission, Washington, D.C. 20580, with copies to CEQ as it shall direct. Upon request by a commenting party, the Commission may in its discretion grant an extension of up to fifteen (15) days, or such longer period as the complexity of the issues may warrant.

(d) A public list will be maintained in the Office of the Secretary of all draft and all final environmental impact statements, and will be forwarded quarterly to CEQ.

7. Sections 1.84 (a) and (b) are revised and new paragraph (c) is added to read as follows:

§ 1.84 Final environmental impact statements.

(a) After the close of the comment period, the Commission will consider the comments received on the draft environmental impact statement and will put the draft environmental impact statement into final form, attaching the comments received (or summaries if response was exceptionally voluminous).

(b) Upon Commission approval of the final environmental impact statement and the matter for which it was prepared, the final environmental impact statement will be

(1) Forwarded to all parties which commented on the draft environmental impact statement and to other interested parties, if practicable;

(2) Placed in the public record of the rule or guide proceeding or legislative matter to which it pertains;

(3) Forwarded to EPA, NTIS, and CEQ;

(4) Distributed in any other way which the Commission, in consultation with CEQ, deems appropriate;

(5) Published in the FEDERAL REGISTER, together with the final rule or guide, or legislative proposal or report;

(6) In legislative matters, transmitted to Congress.

(c) In rule and guide proceedings, thirty (30) days will be allowed for comment on the final environmental impact statement, calculated from the date of inclusion in CEQ's weekly FEDERAL REGISTER list of final environmental impact statements. In no event will a final rule or guide be promulgated prior to ninety (90) days after notice of the draft environmental impact statement, except where emergency action makes such time periods impossible.

8. Section 1.85 is revised to read as follows:

§ 1.85 Implementing procedures.

(a) The General Counsel is designated the official responsible for the Commission's environmental impact statements and for otherwise coordinating the Commission's efforts to improve environmental quality. He will provide assistance to the staff in determining when an environmental impact statement is needed and in its preparation, and after review he will refer environmental impact statements to the Commission with recommendations.

(b) The Commission will determine finally whether an action complies with NEPA.

(c) The Directors of the Bureaus of Consumer Protection and Competition will establish procedures for their bureaus to assure that every proposed rule and guide is reviewed to assess the need for an environmental impact statement and that, where need exists, an environmental impact statement is developed.

(d) The General Counsel will establish procedures to assure that every legislative proposal and legislative report on a matter for which the Commission has primary responsibility is reviewed to assess the need for an environmental impact statement and that, where need exists, an environmental impact statement is developed.

9. Section 1.86 is added to read as follows:

§ 1.86 Effect on prior actions.

With respect to proceedings already in progress, the Commission recognizes that it will not be possible to comply fully with the procedures here outlined and, in particular, that it will not be possible in every instance to include within the record all of the material relating to the environmental impact of the contemplated action which might otherwise be developed. Nonetheless, it is the policy of the Commission to apply these procedures to the fullest extent possible to proceedings which are already in progress.

PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

Subpart C—Prehearing Procedures; Motions; Interlocutory Appeals; Summary Decisions

Section 3.21 is amended to expand public access to prehearing conferences and clarify the provision relating to stenographic reporting.

10. Section 3.21(c) is revised to read as follows:

§ 3.21 Prehearing conferences.

* * * * *

(c) *Public access and reporting.* Prehearing conferences shall be public unless the Administrative Law Judge determines in his discretion that the conference (or any part thereof) shall be closed to the public. The Administrative Law Judge shall have discretion to determine whether a prehearing conference shall be stenographically reported.

Subpart G—Reports of Compliance

11. Section 3.61(f) is revised to provide for confidential treatment in appropriate circumstances of information contained in formal written objections or comments on applications for approval of proposed divestitures, acquisitions or similar transactions subject to Commission review under outstanding orders.

Section 3.61(f) is revised to read as follows:

§ 3.61 Reports of compliance.

* * * * *

(f) All applications for approval of proposed divestitures, acquisitions, or similar transactions subject to Commission review under outstanding orders, together with supporting materials, will be placed on the public record as soon after they are received as circumstances permit, except for information for which confidential classification has been requested, with a showing of justification therefor, and which the Commission, with due regard to statutory restrictions, its rules, and the public interest, has determined should not be made public. Within thirty (30) days after such requests and materials are placed on the public record, any person may file formal written objections or comments with the Secretary of the Commission. Such ob-

jections or comments shall be placed on the public record except for information for which confidentiality has been requested, with a showing of justification therefor, and which the Commission with due regard to statutory restrictions, its rules, and the public interest, has determined should not be made public. Additionally, any communications, written or oral, concerning such proposed transactions, received by any individual member of the Commission, or by any employee involved in the decisional process, will be placed on the public record immediately after their receipt. In the case of an oral communication, the member or employee shall immediately furnish the Commission with a memorandum setting forth the full contents of such communication and the circumstances thereof, and such memorandum will immediately be placed on the public record. All responses to applications for approval of proposed divestitures, acquisitions, or similar transactions subject to Commission review under outstanding orders, together with a statement of supporting reasons, will be published when made.

PART 4—MISCELLANEOUS RULES

12. Section 4.1(b)(4) is revised to eliminate the requirement for filing affidavits in a case in which a former Commission member or employee is prohibited under § 4.1(b) from appearing or participating in a Commission proceeding or investigation, and his partner(s) or associate(s) desire to appear or participate therein without utilizing his services. The amendment also dispenses with the need for special assurances that the disqualified former employee will not share in the revenues from such representation.

Section 4.1(b)(4) is revised to read as follows:

§ 4.1 **Appearances.**

* * * * *

(b) * * *

(4) In any case in which a former member or employee of the Commission is prohibited under this section from appearing or participating in a Commission proceeding or investigation, his services shall not be utilized in any respect in such matter nor shall the matter be discussed with him in any manner by any partner or legal or business associate.

* * * * *

13. Section 4.2(a) is revised to make clear that documents addressed to the Administrative Law Judge are to be filed with the Secretary; paragraph (c) is revised to reduce the number of documents required to be filed, and paragraph (d)(1) is revised to require specific identifying information on motions or other papers filed in adjudicative proceedings.

Section 4.2 (a), (c), and (d)(1) are revised to read as follows:

§ 4.2 **Requirements as to form and filing of documents other than correspondence.**

(a) *Filing.* Except as otherwise provided, all documents submitted to the Commission including those addressed to the Administrative Law Judge shall be filed with the Secretary of the Commission: provided, however, that in any instance informal applications or requests may be submitted directly to the official in charge of any office of the Commission or to the Director, Deputy Director, or Assistant Director of the appropriate bureau or office or to the Administrative Law Judge.

* * * * *

(c) *Copies.* Twenty (20) copies of a notice of intention to appeal and of all briefs before the Commission shall be filed; ten (10) copies of all other documents shall be filed, with the exception of notices of appearances and reports of compliance, as to which only two (2) copies of each need be filed. As to admissions and answers thereto, only one copy need be filed.

(d) *Form.* (1) Documents filed with the Secretary of the Commission, other than briefs in support of appeals from initial decisions, shall be printed, typewritten, or otherwise processed in permanent form and on good unglazed paper. A motion or other paper filed in an adjudicative proceeding shall contain a caption setting forth the title of the case, the docket number, and a brief descriptive title indicating the purpose of the paper.

* * * * *

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46), 80 Stat. 383, as amended, 81 Stat. 54 (5 U.S.C. 552))

By direction of the Commission dated March 11, 1975.

[SEAL] VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.75-8488 Filed 4-2-75;8:45 am]

PROCEDURES AND RULES OF PRACTICE

Miscellaneous Amendments

The Commission hereby announces its determination to abolish Part 2 proposed complaint and consent order procedures. Under these procedures a proposed complaint was served upon a respondent with a notice that he had 30 days to settle the matter by consent agreement. The primary purpose of the procedures was to encourage a proposed respondent to enter into a settlement containing effective relief and thereby avoid expensive and time consuming litigation. The Commission has concluded, however, that the procedures have too often proven to be a source of unnecessary delay and has therefore determined to eliminate them.

This decision does not affect the Commission's policy of encouraging settlements and discouraging litigation where a consent agreement is in the public interest. Opportunity to negotiate such agreements will continue to be available during the investigative stage, and, in appropriate circumstances, after complaint has issued.

To effectuate the Commission's determination, the following amendments, revisions, and additions to Parts 2, 3, and 4 of the Commission's rules of practice are adopted and made effective April 4, 1975.

PART 2—NONADJUDICATIVE PROCEDURES

Subpart A—Investigations

1. Section 2.14(a) is revised to read as follows:

§ 2.14 **Disposition.**

(a) When the facts disclosed by an investigation indicate that corrective action is warranted, and the matter is not subject to informal nonadjudicative disposition pursuant to § 2.21 or to a consent settlement pursuant to Subpart C of this part, further proceedings may be instituted pursuant to the provisions of Part 3 of this chapter.

* * * * *

Subpart C—Consent Order Procedure

2. Sections 2.31 through 2.35 are revised to read as follows:

§ 2.31 **Opportunity to submit a proposed consent order.**

(a) Where time, the nature of the proceeding, and the public interest permit, any individual, partnership, or corporation being investigated shall be afforded the opportunity to submit through the operating Bureau or Regional Office having responsibility in the matter a proposal for disposition of the matter in the form of a consent order agreement executed by the party being investigated and complying with the requirements of § 2.32, for consideration by the Commission in connection with a proposed complaint submitted by the Commission's staff.

(b) After a complaint has been issued, the consent order procedure described in this part will not be available except as provided in § 3.25(b).

§ 2.32 **Agreement.**

Every agreement shall contain, in addition to an appropriate order, either an admission of the proposed findings of fact and conclusions of law submitted simultaneously by the Commission's staff or an admission of all jurisdictional facts and an express waiver of the requirement that the Commission's decision contain a statement of findings of fact and conclusions of law. In addition, every agreement shall contain waivers of further procedural steps and of all rights to seek judicial review or otherwise to challenge or contest the validity of the order. The agreement shall also contain provisions that the complaint may be used in construing the terms of the order, and that no agreement, understanding, representation, or interpretation not contained in the order or the aforementioned agreement may be used to vary or to contradict the terms of the order; that the order shall have the same force and effect and may be altered, modified, or set aside in the same manner provided by statute for other orders; that the order shall become final upon service; that the agreement shall not become a part of the public record unless