tion and Welfare, has been advised of this action;

9. Lentil crop residues which have been treated with parathion may not be used for food, feed, or fodder. Livestock may not graze in treated lentil fields;

10. A 100 foot buffer zone will be maintained around bodies of water which are inhabited by fish and/or waterfowl;

11. Every precaution shall be taken to avoid or minimize spray drift to non-target areas;

12. Liaison will be established between the applicant and the Washington State Department of Fisheries and Game to minimize any adverse effects on fish and wildlife resources;

13. All applicable directions, restrictions, and precautions on the product label must be followed;

14. The EPA shall be immediately informed of any adverse effects resulting from the use of this pesticide in connection with this exemption; and

15. The Applicant shall be responsible for assuring that all of the provisions of this specific exemption are met and must submit a report summarizing the results of this program by February 15, 1979.

STATUTORY AUTHORITY.—Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (85 Stat. 973; 89 Stat., 751; 7 U.S.C. 136(a) et seq.)

Dated: August 7, 1978.

DOUGLAS D. CAMPT,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 78-22425 Filed 8-10-78; 8:45 am]

[6560-01]

PESTICIDE PROGRAMS

[PP 6G1836/T160; FRL 943-4]

Amendment of Temporary Tolerance; 2-(*m*-Chlorophenoxy)propionic Acid

On April 13, 1978, the Environmental Protection Agency (EPA) announced (43 FR 15487) the establishment of a temporary tolerance for residues of the plant growth regulator 2-(*m*-chlorophenoxy)propionic acid in or on the raw agricultural commodity pineapples (fresh fruit only) at 0.3 part per million (p.p.m.). The tolerance was established in response to a pesticide petition (PP 6G1836) submitted by Amchem Products, Inc., Brookside Ave., Ambler, Pa. 19002. This temporary tolerance will expire November 2, 1979.

Amchem Products, Inc., has submitted a request to amend the petition by adding temporary tolerances for residues of the subject plant growth regulator in or on the raw agricultural commodities pineapple forage and pineapple fodder at 0.2 p.p.m.; the kidneys of cattle, hogs, horses, goats, and sheep at 0.4 p.p.m.; and the meat (except kidneys, fat, and meat byproducts) of cattle, goats, hogs, horses, poultry, and sheep at 0.04 p.p.m.

(A related document establishing a food additive regulation for residues of the plant growth regulator in pineapple bran appears elsewhere in today's FEDERAL REGISTER.)

Establishment of these temporary tolerances will permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of an experimental use permit that is being established concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

The scientific data reported and all other relevant material were evaluated, and it was determined that the temporary tolerances will protect the public health. Therefore, the temporary tolerances are established on condition that the pesticide is used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Amchem Products, Inc., must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the Food and Drug Administration.

These temporary tolerances expire November 2, 1979. Residues not in excess of 0.2 p.p.m. remaining in or on pineapple fodder and pineapple forage; 0.4 p.p.m. remaining in the kidneys of cattle, goats, hogs, horses, and sheep; and 0.04 p.p.m. remaining in the meat (except the kidneys, fat, and meat byproducts) of cattle, goats, hogs, horses, and sheep after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to the Herbicide/Fungicide Branch, Registration Divison (TS-767), Office of Pesticide Programs, Room 320, East Tower, 401 M Street SW., Washington, D.C. 20460, 202-755-1397.

Dated: August 4, 1978.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc. 78-22440 Filed 8-10-78; 8:45 am]

[6750-01]

FEDERAL TRADE COMMISSION

COMPETITION IN SOLAR ENERGY INDUSTRY

Availability of Publication and Request for Public Comment

AGENCY: Federal Trade Commission.

ACTION: Notice of availability of publication and request for public comment.

SUMMARY: The Federal Trade Commission has available for distribution copies of "The Solar Market," a record of the proceedings of the Solar Energy Symposium sponsored by the Commission in December 1977, and is requesting public comment thereon from consumers, industry members, Government agencies, and any other interested persons. The information thus obtained will be reviewed by the Commission staff in connection with its ongoing consideration and preparation of recommendations for Commission policy.

DATES: Comments must be received on or before October 20, 1978, in order to be included in this phase of staff consideration.

ADDRESS: Comments may be sent to Director, Bureau of Competition, Federal Trade Commission, Washington, D.C. 20580, Re: Solar Market Comments.

FOR FURTHER INFORMATION CONTACT:

Marilyn J. Holmes, Bureau of Competition, Federal Trade Commission, Washington, D.C. 20580, 202-523-3696.

SUPPLEMENTARY INFORMATION: In December 1977 the Bureau of Competition of the Federal Trade Commission sponsored a Solar Energy Symposium to examine issues relating to competition and consumers in the developing solar market. The record of the proceedings of that conference has been published in a 300-page book entitled "The Solar Market: Proceedings of the Symposium on Competition in the Solar Energy Industry." A limited number of copies of "The Solar Market" are available free of charge from the Federal Trade Commission Distribution Branch, Room 128, Main Building, Washington, D.C. 20580, telephone 202-523-3067. Copies are also available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, telephone 202-783-3238, for a fee of $5.25 (document No. 018-000-00216-7).

To assist the Federal Trade Commission in identifying the areas of potential competitive concern and in implementing the best course of action with respect to the developing solar indus-

try, public comment is requested. The Commission invites interested persons to address an issues of fact, law or policy relating to (1) the issues raised and opinions expressed in the papers and commentaries contained in "The Solar Market," (2) the need for a Federal Trade Commission role in the solar industry, and (3) any other competitive and consumer concerns in this area.

While interested persons are invited to address any relevant issues, comments are specifically requested on the topics set out below. In considering these issues, please note that the term "solar industry" is intended to refer to all appropriate solar technologies, including solar hot water, space heating and cooling, photovoltaics, agricultural and industrial process heat, solar-thermal, wind energy, ocean-thermal, and biomass. Because certain issues may vary with the technology, it is important to distinguish between them and to specify which technologies are being addressed in each instance.

Comments should take into consideration the range of private and governmental activities in the solar industry, including research, development and demonstrations, standards development and testing, manufacturing, sales, distribution, leasing, installation, servicing, and financing. Specific examples of factual accounts illustrating your comments, and discussion of issues or concerns that are unique to solar energy, are encouraged.

To ensure prompt consideration, all comments should be clearly identified as "Solar Market Comments." All materials received will be available for public inspection.

QUESTIONS

1. Industry Participants

(a) Can utilities offer any services or benefits in marketing, installing, financing, or servicing solar equipment that other nonutility companies are unable to provide as well or as inexpensively? if so, explain.

(b) Are utilities that enter the solar industry likely to enjoy a significant competitive advantage over nonutility companies engaged in any competing activities in the solar industry? If so, what types of utilities, and what conditions, acts, or practices would lead to such an advantage? What unique economic efficiencies, if any, would utilities entering the solar industry enjoy?

(c) Is there any significant difference, in terms of competitive impact, between madatory utility involvement in one or more phases of the solar industry and widespread voluntary utility participation in the solar industry? If so, explain.

(d) Is there a need for any restrictions on the entry or conduct of utilities in any area of the solar industry in order to preserve competition in such areas? What sorts of restrictions could be imposed? Would such restrictions have any adverse competitive effects?

(e) What types of utility rate structures would provide the greatest incentives and the greatest disincentives for consumers to use solar equipment? For businesses to enter the solar manufacturing, sales, leasing, installation, or service markets? What factors might lead utilities to implement rate structures that discriminate in favor of or against users of solar equipment?

(f) Can large energy companies offer any services or benefits in conncetion with their activities in any phase of the solar industry that other companies are unable to provide as well or as inexpensively? If so, explain.

(g) Are large energy companies that enter the solar industry likely to enjoy a significant competitive advantage over smaller firms or nonenergy companies engaged in any competing activities in the solar industry? If so, what conditions, acts or practices would lead to such an advantage? What unique economic efficiencies would large energy companies entering the solar industry enjoy?

(h) Is there a need for any restrictions on the entry or conduct of large energy companies in an area of the solar industry in order to preserve competition in such areas? What sorts of restrictions could be imposed? Would such restrictions have any adverse competitive effects?

(i) Is there basis for concern, in theory or in practice, that large energy companies might suppress or delay widespread commercialization of solar technology? That other companies might do so? If so, how could such results be accomplished?

2. *Industry Structure*

(a) Is there anything unique about the solar industry which suggests that different standard of antitrust enforcement, either stricter or more relaxed, should be applied to horizontal, vertical or conglomerate mergers, acquisitions, or joint ventures? If so, why, and what sorts of standards are recommended? What would be the likely competitive effects of such different standards?

(b) What economies of scale exist in the various solar industries? How are they likely to change in the near- and long-term future? Are there any solar technologies in which economies of scale are likely to lead to a situation of natural monopoly or oligopoly?

(c) Is there a basis for concern that the various solar industries will become increasingly concentrated in the near- or long-term future? If so, what facts and circumstances make such concentration likely?

(d) Is there a basis for concern, in theory or in practice, that concentrated ownership of natural resources or patents, or possession of trade secrets or technological know-how, will create barriers to entry in the solar industry? If so, explain.

3. Federal Programs and Policies

(a) To what extent do current Federal research, development, or demonstration programs, or the implementation of such programs, promote, or discourage the development of a competitive environment in the solar energy industry? Are any Federal programs likely to create barriers to entry in the solar industry? Please explain by identifying and discussing specific programs.

(b) Aside from Federal programs explicitly designed to aid small businesses, to what extent do current Federal solar programs, or the implementation of such programs, favor or disfavor small businesses? Please explain by identifying and discussing specific programs.

(c) Are there any considerations relating to competition in the solar industry that suggest the need for additional Federal programs or policies designed to help small businesses in the areas of solar research, development, or demonstration awards, procurements, or loans, or in any other areas? If favorable treatment is warranted, what specific programs or policies are recommended? What positive and negative competitive consequences would such programs or policies have?

(d) Are there any considerations relating to competition in the solar industry that suggest the need for a Federal policy limiting the involvement of large energy companies or other large companies in Federal solar research, development or demonstration programs? A policy encouraging the participation of large energy companies or other large companies? How could any such policies be implemented? What long-run effects on competition would such policies have?

(e) Comment on the need for and the competitive consequences of implementing the following policy options:

(1) a limitation on Federal solar awards to large energy companies;

(2) a limitation on Federal solar awards to large nonenergy companies;

(3) a policy designed to encourage or require the participation of greater numbers of types of organizations in Federal solar programs;

(4) a mandatory set-aside for small businesses of a dollar or percentage amount of Federal solar awards;

(5) a limitation on the size of individual Federal solar research, development or demonstration projects;

(6) a requirement that Federal officials consider as factors in the assignment of solar research, development and demonstration awards the potential of the awards to contribute to a situation of market dominance or monopolization and the long-term costs to society that might result;

(7) a requirement that Federal solar officials limit or eliminate solar awards to firms with dominant market positions or with the short-term potential of attaining dominance in the solar market;

(8) a mandatory licensing procedure for privately developed solar patents.

What impact would these policy options have on the ultimate program goals of the Federal solar programs affected?

(f) Are there any competitive problems presented in the solar industry by current Federal policy in the areas of patenting and licensing of inventions developed in the course of Federal research and development work or background patent rights? If so, explain. Do such policies have other adverse effects on the solar industry?

(g) Are there alternatives or modifications to current Federal patent policy that would provide greater incentives for technological developments in the solar area? That would not unduly increase the potential for monopolization, suppression or delay in the commercialization of developments made in the course of government awards? Comment on the propriety and feasibility of any alternatives is invited.

4. Standards and Testing

(a) Are there any competitive or consumer problems presented by existing or proposed privately developed solar standards? By existing or proposed Federal solar standards? If so, explain.

(b) Are there any aspects of the current private standards development process that are likely to affect adversely consumers and/or competition in the solar industry? Are there any aspects of the current Federal role in the solar standards development process that are likely to affect adversely consumers and/or competition?

(c) Is there a need for suggested or mandatory Federal standards for performance, safety, installation, or any other product attributes of solar equipment? How would the presence or absence of such standards affect the development of a nationwide solar industry? Would specific firms or types of firms be particularly advantaged or disadvantaged in either case? Would the absence of Federal standards be likely to lead to numerous and/or incompatible standards and testing methodologies, or to excessive costs for testing?

(d) To what extent, if at all, do existing State and local building codes inhibit development of the solar industry or individual solar companies? What are the competitive advantages and disadvantages for the solar industry of a federally developed mandatory building code? Of a federally developed model building code?

(e) What are the costs to competition of mandatory certification, training, or licensing requirements for solar equipment manufacturers, retailers, and installers? What are the benefits?

5. Warranties

(a) What beneficial effects have the warranty requirements for the fourth cycle of the HUD residential demonstration program had on competition or individual competitors in the solar industry? What adverse effects?

(b) Is there a need for Federal warranties, similar to the HUD demonstration program warranties, for all solar equipment and installations? What effect would such warranties have on the solar industry, on specific solar companies or types of companies, on consumers, and on the cost of solar equipment?

(c) What procedures or approaches are available as alternatives to mandatory warranties that would provide replacement or reimbursement to consumers for defective solar equipment? That would provide incentives to the development of reliable, durable products and safe and effective installation procedures? Would any such alternatives be likely to advantage or disadvantage certain companies or types of companies in comparison with the rest of the solar industry? Would any such alternatives have other adverse competitive effects? Comment on the propriety and feasibility of any alternatives is invited.

6. Access to Capital

(a) Do small enterprises currently have particular trouble obtaining capital from private or Government sources in order to engage in solar research and development work or to begin or expand solar businesses? Do solar firms have more difficulty in this regard than firms in other similar, relatively new industries? If so, explain.

(b) What are the likely competitive consequences of a shortage of investment capital in the solar industry? Would this be likely to lead to an increase in acquisitions, mergers, and/or joint ventures?

7. Marketing Practices

(a) What methods of distributing solar products are currently being employed? Are small solar businesses likely to experience undue difficulty establishing marketing and distribution networks? If so, explain.

(b) To what extent are utilities likely to enter into exclusive dealing agreements or practices with local solar installers, either directly or indirectly? What effect would such arrangements have on competition in the solar industry?

(c) What are the likely competitive consequences of utilities leasing solar equipment to consumers? Is there a need for any restrictions on utility involvement in such leasing activities? Would such restrictions have any adverse competitive effects?

By direction of the Commission dated July 28, 1978.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-22436 Filed 8-10-78; 8:45 am]

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 78P-0001]

DEPUY

Panel Recommendation on Petition for Reclassification; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Extension of comment period.

SUMMARY: This document extends the comment period on the recommendation of the Orthopedic Device Classification Panel that the M. E. Mueller ceramic hip prosthesis be reclassified from class III (premarket approval) into class II (performance standards). This extension was requested by Depuy, the petitioner.

DATE: The deadline for written comments is extended to October 6, 1978.

ADDRESS: Written comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

James G. Dillon, Bureau of Medical Devices (HFK-410), Food and Drug Administration, Department of Health, Education and Welfare, 8757 Georgia Avenue, Silver Spring, Md. 20910, 301-427-7238.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of June 6, 1978 (43 FR 24601), the Food and Drug Administration published for public comment the recommendation of the Orthopedic Device Classification Panel that the M. E. Mueller ceramic hip prosthesis be reclassified from class III (premarket approval) into class II (performance standards). The recommendation was made after review of a reclassification petition filed by DePuy, Warsaw, Ind. 46530, under section 513(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(f)).

The Commissioner of Food and Drugs reviewed the panel's recommendation and concluded that reclassification into class II was inappropriate. The Commissioner announced his intention to deny the petition for reclassification unless new information is submitted during the comment period to justify the reclassification.

The deadline for submitting written comments was August 7, 1978. DePuy has requested a 60-day extension of the comment period in order to compile and organize data. The Commissioner believes it is appropriate to extend the period for comment on the panel's recommendation. Accordingly the deadline for filing comments is extended to October 6, 1978.

Dated: August 4, 1978.

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

[FR Doc. 78-22299 Filed 8-10-78; 8:45 am]

[4110-03]

PITTMAN-MOORE

Mercaptocaine Creme; Withdrawal of Approval of New Animal Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document withdraws approval of new animal drug application (NADA) 5-582 providing for use of mercaptocaine creme that contains 2-mercaptobenzothiazole, benzoncaine, and 2-chloro-4-phenylphenol for the treatment of fungal infections and dermatitis in dogs and cats. The manufacturer has requested this action.

EFFECTIVE DATE: August 11, 1978.

FOR FURTHER INFORMATION CONTACT:

Henry C. Hewitt, Bureau of Veterinary Medicine (HFV-112), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3430.