

Talk to Earl

A) In the case of a request filed under paragraph (i)(1)(i) of this section, where information given in the Statement of Account is incorrect or incomplete, the request must clearly identify the erroneous or incomplete information and provide the correct or additional information;

B) In the case of a request filed under paragraph (i)(1)(ii) of this section, where the royalty fee was miscalculated and the amount deposited in the Copyright Office was either too high or too low, the request must be accompanied by an affidavit under the official seal of any person authorized to administer oaths within the United States, or a statement in accordance with section 1746 of title 18 of the United States Code, made and subscribed in accordance with paragraph (i)(4) of this section. The affidavit or statement shall describe the reasons why the royalty fee was improperly calculated and include a detailed analysis of the proper royalty calculations;

C) In the case of a request filed under paragraph (i)(1)(iii) of this section, the request shall be identified as "Transitional and Supplemental Royalty Payment" and include a detailed analysis of the proper royalty calculations;

(A) All requests filed under this paragraph (i) (except those filed under paragraph (1)(iii) of this paragraph) must be accompanied by a filing fee in the amount of \$15 for each Statement of Account involved. Payment of this fee must be in the form of a personal or company check, or of a certified check, cashier's check or money order, payable to the Register of Copyrights. No request will be processed until the appropriate fees are received.

B) All requests that supplement the royalty fee payment be received for deposit under this paragraph (i), must be accompanied by a remittance in the full amount of such fee. Payment of the supplemental royalty fee must be in the form of a certified check, cashier's check or money order, payable to: Register of Copyrights. No such request will be processed until acceptable remittance in full amount of the supplemental royalty fee has been received.

C) All requests submitted under this paragraph (i) must be signed by the system owner named in the Statement of Account, or the duly authorized agent of the owner, in accordance with paragraph (e)(14) of this section.

Following final processing, all requests submitted under this paragraph will be filed with the original Statement of Account in the records of the Copyright Office. Nothing contained

in this paragraph shall be considered to relieve cable systems from their full obligations under title 17 of the United States Code, and the filing of a correction or supplemental payment shall have only such effect as may be attributed to it by a court of competent jurisdiction.

(17 U.S.C. 111, 702, 706)

Dated: December 10, 1979.

Barbara Ringer,
Register of Copyrights.

Approved:

Daniel J. Boorstin,
The Librarian of Congress.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 763

(OPTS-61005A; FRL 1377-5)

Commercial and Industrial Use of Asbestos Fibers; Extension of Comment Period and Announcement of Additional Control Option

AGENCY: Office of Pesticides and Toxic Substances, Environmental Protection Agency (EPA, or the Agency).

ACTION: Extension of Comment Period for Advance Notice of Proposed Rulemaking (ANPRM) and Announcement of Additional Control Option.

SUMMARY: EPA extends the comment period on the Commercial and Industrial Use of Asbestos Fiber ANPRM to February 18, 1980. The extension is granted to accommodate industry requests and to provide additional time to comment on the ANPRM. The Agency also announces an additional control option under consideration.

DATE: All comments should be received by the Record Clerk by February 18, 1980.

ADDRESS: All comments should be sent to Mrs. Joni T. Repasch, Record Clerk, Office of Pesticides and Toxic Substances (TS-793), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

Comments should include the docket number OPTS-61005A. Comments received on this Notice will be available for reviewing and copying from 9:00 a.m. to 4:30 p.m., Monday through Friday, excluding holidays, in Room 447 East Tower, EPA Headquarters, 401 M Street, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Industry Assistance Office, Office of

Pesticides and Toxic Substances (TS-799), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, Phone: 800-424-9085 (In Washington, D.C., call 544-1404).

SUPPLEMENTARY INFORMATION: On October 17, 1979 (44 FR 60061), EPA issued an ANPRM on the Commercial and Industrial Use of Asbestos Fibers. The comment period expires December 17, 1979. EPA has received requests from the Asbestos Information Association/North America, Johns-Manville Corporation, Armstrong Cork Company, the American Paper Institute, Inc., the National Electrical Manufacturers Association, the Resilient Floor Covering Institute, and the Asbestos Cement Pipe Producers Association for extension of the comment period on the asbestos use ANPRM. The extension requests range from 30 to 120 days. Industry representatives are seeking these extensions because they believe that the information requested by EPA is complex, extensive, and not readily available.

EPA has developed an additional regulatory control option since publication of the ANPRM. The comment period deadline has been extended to February 18, 1980, to provide more time for industry to produce the information requested and also to allow for public review of the additional regulatory control option. Submission of information during the ANPRM comment period will insure that the Agency will consider that information in proposing the asbestos regulation. In proposing a rule, however, EPA will consider all relevant information to the extent possible, even if that information is submitted after the close of the comment period.

Should EPA's evaluation of human health risks and economic impacts determine that all but essential uses of asbestos present unreasonable risk, a possible regulatory strategy may be to ban the manufacture, processing, distribution in commerce, and import of asbestos for all nonessential asbestos uses at some fixed date in the future. EPA is seeking comment on this overall regulatory approach and on an appropriate date for instituting a general use ban. Effective dates presently under evaluation range from 1985 to 1995.

EPA anticipates providing an opportunity for essential use exemptions should a total asbestos ban be instituted. The exemption criteria may be based on factors such as established benefits, limited public health risks, commercial availability of substitutes, and significant economic impact if the use is banned. Persons seeking

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exemptions would be asked to submit the following types of information with their exemption applications: (a) The asbestos use or product's contribution to public health, safety, and energy conservation; (b) Fiber emissions and human exposure during processing, normal use, and disposal; (c) Availability, performance characteristics, and relative health risks of substitutes; (d) Contribution of the asbestos product or use to local or national economy and small business; (e) Test data on emissions associated with the asbestos use and; (f) Data on substitute investigations.

There are also a variety of ways to process exemptions. In a single step exemption process, all requests for exemptions would be received at one time immediately prior to the ban's effective date. In a multiple step process, persons seeking an exemption would submit their requests four or five years before the ban becomes effective. EPA would screen these applications for award of conditional exemptions. Persons holding conditional exemptions could request actual exemptions immediately before the ban is implemented, assuming reasonable substitutes were still unavailable or the economic impact of transition was still excessive.

EPA would grant the essential use exemptions for some specified time, perhaps two to four years. These exemptions would have to be renewed upon expiration. All other uses would be prohibited. EPA's preliminary analysis indicates that a multiple step exemption process may be more appropriate since it would encourage substitute research, streamline the actual exemption process, and provide an early indication for those companies that will not continue producing asbestos products at the time of the ban. EPA is seeking comments on appropriate exemption criteria and procedures should a ban on all nonessential asbestos uses be established.

Industry is expected to continue to process asbestos fibers and produce many asbestos-containing products from now through the time an asbestos ban is implemented. These uses and articles will present continued exposure risks to users for many years. To eliminate some of this risk, EPA is considering a labeling requirement on all future asbestos fiber packaging and asbestos-containing articles. The labels would provide information on asbestos content, form, and associated health risks. The labels would also warn users to avoid exposure to fibers wherever possible.

EPA also anticipates that information beyond that supplied in response to the

ANPRM will be needed to support Agency rulemaking and exemption decisions. This information would help EPA evaluate present exposure to asbestos, potential impacts on industry, the development of substitute materials, and the health risks from substitutes. Therefore, EPA may promulgate reporting rules under Section 8(a) and 8(d) of the Toxic Substances Control Act (TSCA). EPA is seeking comments on the appropriate scope of the reporting rules, who should report, and the schedule for reporting this information.

EPA would consider sponsoring or initiating a program to help determine the technical acceptability of substitutes. This program and the reporting rules would help ensure continuing research efforts and track industry progress toward commercially acceptable nonasbestos substitutes.

Dated: December 11, 1979.

Edwin H. Clark II,

Acting Assistant Administrator for Pesticides and Toxic Substances.

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

42 CFR Part 460

Professional Standards Review; Redesignation of PSRO Areas in California

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Proposed rule.

SUMMARY: This proposed rule would redesignate PSRO areas in California in order to combine PSRO Areas XIX and XXIII. The redesignation will result in a more effective coordination with Medicare/Medicaid fiscal agents and in a higher degree of congruence with the Health Service Area (HSA) designations. In addition, the redesignation will facilitate initiation of PSRO activity in the currently uncovered area of Los Angeles, California which is now designated as Area XIX.

DATES: Consideration will be given to written comments or suggestions received on or before February 15, 1980.

ADDRESSES: Address comments to: Administrator, Health Care Financing Administration, Department of Health, Education, and Welfare, P.O. Box 17082, Baltimore, Maryland 21235. In commenting, please refer to File Code HSQ-67-P. Comments will be available

for public inspection beginning approximately two weeks after publication, in Room 5220 of the Department's offices at 330 C Street, S.W., Washington, D.C. on Monday through Friday of each week, from 8:30 a.m. to 5:00 p.m. (202) 245-0365.

FOR FURTHER INFORMATION CONTACT: Tony Culotta, (301) 594-4272.

SUPPLEMENTARY INFORMATION: On March 18, 1974, regulations were published in the Federal Register (39 FR 10204), which were amended on November 29, 1978 (43 FR 55936), designating 28 PSRO areas within California. The purpose of this present proposal is to redesignate PSRO areas so that the cities and postal zones of Los Angeles County previously designated as PSRO Areas XIX are transferred to PSRO Area XXIII which consists of a group of cities in Los Angeles County.

Redesignation of Area XXIII

Guidelines for the redesignation of PSRO areas (42 CFR 460.2) provide that we may revise area designations when we determine it is necessary and that we may consider the coordination with existing health service areas and the coordination with Medicare/Medicaid fiscal agents in our redesignation decisions. The local health service area covers all of Los Angeles County. Therefore, any consolidation of PSRO areas within Los Angeles County diminishes problems of coordination, data sharing and other health planning efforts for the Los Angeles County health service area. The Medicare/Medicaid fiscal agents covering the Los Angeles County area currently must relate to eight different PSRO areas resulting in considerable duplication of effort. This is particularly true since there is considerable overlap of medical practice patterns and service areas across PSRO area boundaries. Any consolidation would result in more efficient coordination for these fiscal agents.

Area XIX has never had a conditional PSRO and the contract with the planning organization which had formed in the area expired on March 30, 1979, so there is currently no PSRO in Area XIX. The redesignation would facilitate the administering of the PSRO program by allowing the PSRO organization in Area XXIII to assume responsibility for the hospitals in the currently designated Area XIX where no PSRO exists, and the Area XXIII PSRO would be capable of rapidly implementing PSRO activity in these hospitals.

Clarification of Permanent Boundaries of Area XXIII Areas XVIII through XXV are designated by city, community, and

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