

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****18 CFR Part 385**

[Docket No. RM80-58-000]

Gulf States Utilities Company; Denial of Petition for Rulemaking

Issued: December 2, 1982.

AGENCY: Federal Energy Regulatory Commission, DOE.**ACTION:** Denial of petition for rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is denying, as unnecessary, a petition by Gulf States Utilities Company requesting an amendment of the Commission's Rules of Practice and Procedure to allow only "participants" to appeal actions taken by the staff pursuant to delegated authority. In a recent revision of the Rules of Practice and Procedure, the Commission amended the relevant rule (Rule 1902) in a manner consistent with the petitioner's request.

ADDRESS: Copies of the petition, related correspondence, and other documents are available for public inspection at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Fredric D. Chanania, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426; (202) 357-8033.

SUPPLEMENTARY INFORMATION: On June 23, 1980, Gulf States Utilities Company ("Petitioner") filed with the Commission a petition for rulemaking to amend § 1.7(d) of the Rules of Practice and Procedure, 18 CFR 1.7(d).¹ The principal amendment sought by Petitioner is to allow only "participants," and not "interested persons," to appeal actions of the staff that fall within the scope of § 1.7(d).² The Petitioner also proposed several minor editorial clarifications to § 1.7(d).

Section 1.7(d) has been revised and replaced by Rule 1902 of the current Rules of Practice and Procedure, 18 CFR 385.1902.³ Rule 1902 now permits an

¹ The filing is styled "Petition of Gulf States Utilities Company for an Amendment to Section 1.7(d) of Title 18, Code of Federal Regulations."

² Two comments in support of this change to § 1.7(d) were received from Iowa Southern Utilities Company and Interstate Power Company.

³ The revised Rules of Practice and Procedure became effective on August 26, 1982. See Final Rule, "Revisions to Rules of Practice and Procedure to

appeal of a delegated staff action only by a "party," which is defined in Rule 102(c) as follows:

"Party" means, with respect to a proceeding:

- (1) A person filing any application, petition, tariff or rate filing, complaint, or any protest under section 19a(i) of the Interstate Commerce Act (49 U.S.C. 19(a)(i));
- (2) Any respondent to a proceeding; or
- (3) Any person whose intervention in a proceeding is effective under Rule 214.⁴

Rule 1902 now contains the substance of the major change sought by the Petitioner, and further amendment of Rule 1902 is, therefore, no longer necessary. In addition, when Rule 1902 was promulgated, the Commission made a number of editorial changes to the rule. To the extent Rule 1902 does not now contain the precise editorial changes proposed by the Petitioner, the Commission finds that Rule 1902 is sufficiently clear and that further changes are unnecessary and inappropriate.

The Commission orders, That the Petition of Gulf States Utilities Company for an Amendment to § 1.7(d) of Title 18, Code of Federal Regulations, is hereby denied.

By the Commission,
Lois D. Cashell,
Acting Secretary.

[FR Doc. 82-33225 Filed 12-6-82; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration****21 CFR Part 333**

[Docket No. 75N-0183]

Topical Antimicrobial Drug Products for Over-the-Counter Human Use; Establishment of a Monograph; and Reopening of Administrative Record; Correction**AGENCY:** Food and Drug Administration.**ACTION:** Advance notice of proposed rulemaking and reopening of administrative record; correction.

SUMMARY: The Food and Drug Administration is making various corrections to its Advanced Notice of Proposed Rulemaking concerning establishment of a monograph for topical antimicrobial drug products for

Expedite Trial-Type Hearings," Docket No. RM78-22-000, Order No. 225, issued April 28, 1982, 47 FR 19,014 (May 3, 1982). The final rule has been clarified and corrected on August 12, 1982. See Order No. 225-A, 47 FR 35,952 (Aug. 18, 1982).
⁴ 18 CFR 385.102(c).

over-the-counter human use. That Notice of Proposed Rulemaking also reopened the Administrative record.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, National Center for Drugs and Biologics (HRN-510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: In FR Doc. 82-24419 at page 39406 in the Federal Register of Tuesday, September 7, 1982 (47 FR 39406), the following changes are made:

1. On page 39407 in the first column:
 - a. In the second line, "repacking" is changed to "repackaging."
 - b. In the second complete paragraph, 16th line, "issued" is changed to "issues."
 - c. In the last paragraph, first line, "condition" is changed to "conditions."
2. On page 39408: In the first column, second complete paragraph, sixth line, "Thomas DeCillis" is changed to "Thomas Decillis."

3. On page 39409 in the third column under "References," in Reference 1, two OTC volume numbers were omitted and should be added. They are 160221 and 160421.

Dated: November 30, 1982.

William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 82-33146 Filed 12-6-82; 8:45 am]
BILLING CODE 4160-01-M

21 CFR Part 333

[Docket No. 80N-0476]

Topical Antifungal Drug Products for Over-the-Counter Human Use; Establishment of a Monograph; and Reopening of Administrative Record; Correction**AGENCY:** Food and Drug Administration.**ACTION:** Advance notice of proposed rulemaking and reopening of administrative record; correction.

SUMMARY: The Food and Drug Administration is making various corrections to its Advanced Notice of Proposed Rulemaking concerning establishment of a monograph for topical antifungal drug products for over-the-counter human use. That Notice of Proposed Rulemaking also reopened the Administrative record.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, National Center for Drug and Biologics (HFN-510), Food and Drug Administration, 5600 Fishers

Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: In FR Doc. 82-24424 at page 39464 in the Federal Register of Tuesday, September 7, 1982 (47 FR 39464), the following changes are made:

1. On page 39464:
 - a. In the second column, last paragraph, third line, "drug" is inserted before "products."
 - b. In the third column, second complete paragraph, 21st line, "as" is changed to "has."

2. On page 39467, in the third column under "References," in Reference 1, two OTC volume numbers were omitted and should be added. They are 160221 and 160421.

Dated: November 30, 1982.

William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 82-33147 Filed 12-6-82; 8:45 am]
BILLING CODE 4160-01-M

21 CFR Part 348

[Docket No. 78N-0301]

External Analgesic Drug Products for Over-the-Counter Human Use; Establishment of a Monograph; and Reopening of Administrative Record; Correction

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking and reopening of administrative record; correction.

SUMMARY: The Food and Drug Administration is making various corrections to its Advanced Notice of Proposed Rulemaking concerning establishment of a monograph for external analgesic drug products for over-the-counter human use. That Notice of Proposed Rulemaking also reopened the Administrative record.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, National Center for Drugs and Biologics (HFN-510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: In FR Doc. 82-24420 at page 39412 in the Federal Register of Tuesday, September 7, 1982 (47 FR 39412), the following changes are made:

1. On page 39415 in the first column in the second sentence, "hlycerin" is changed to "glycerin."
2. On page 39416 in the second column under "References," in Reference 1, two OTC volume numbers were omitted and

should be added. They are 160221 and 160421.

3. On page 39425 in the third column, second full paragraph under listings headed "Firms" and "Marketed Products", "Foxpharmaceutical, Inc., Ft. Lauderdale, FL 33310" and "Secret Mirache" are removed.

4. On page 39426 in the second column in the list under item "3. Other ingredients," "Oil of sage" is added in alphabetical sequence.

Dated: November 30, 1982.

William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 82-33145 Filed 12-6-82; 8:45 am]
BILLING CODE 4160-01-M

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Parole, Release, Supervision and Recommitment of Prisoners, Youth Offenders, and Juvenile Delinquents; Proposed Changes in Policy Guidelines

AGENCY: Parole Commission.

ACTION: Proposed rule.

SUMMARY: The U.S. Parole Commission proposes to exercise its statutory rule-making authority with respect to the qualifications of representatives at parole hearings. The proposed rule would (a) permit hearing examiners to bar an otherwise qualified representative from participating in a hearing, if "good cause" justifies such action; (b) provide for disqualification of a representative for up to a five year period upon a formal finding of specific misconduct; and (c) prohibit all former Federal criminal justice employees from becoming representatives for hire for one year after leaving Federal employment. The purpose of this proposal is to permit the Parole Commission to preclude or discipline conduct which is incompatible with the orderliness or integrity of the parole hearing process, and to prevent the possibility that a representative will exploit the fact of recent Federal employment in a criminal justice capacity when representing a convicted Federal prisoner.

DATE: Comments must be received by January 20, 1983.

ADDRESS: Send comments to U.S. Parole Commission, 5550 Friendship Boulevard, Chevy Chase, MD 20815; Attn: Michael A. Stover, Office of General Counsel.

FOR FURTHER INFORMATION CONTACT: Michael A. Stover, Office of General Counsel, U.S. Parole Commission, telephone (301) 492-5959.

SUPPLEMENTARY INFORMATION:

Background

In 1976, the Congress passed the Parole Commission and Reorganization Act, which included a provision authorizing the Parole Commission to make rules and regulations concerning the qualification of representatives. 18 U.S.C. 4208(d)(2) (1976).

At the time this law was passed, professional representation for prisoners was largely confined to attorneys at law, with most other representation being provided on a voluntary basis by prison staff and family members. Recently, however, the Commission has seen the development of a new class of paid representative, which appears to consist primarily of former Federal criminal justice employees, both attorneys and non-attorneys, who specialize in the representation of inmates before the Parole Commission and who actively seek clients in the Federal prisons. Without any apparent relation to the foregoing development, there has also been an increase in the occasional incident of intentionally disruptive, disrespectful, and otherwise unacceptable methods of representation before U.S. Parole Commission hearing examiners. Whereas a court of law possesses the inherent power to preserve decorum through a citation for contempt, the Parole Commission, not having published any rules under the above-cited statutory provision, presently lacks an appropriate sanction for the representative who deliberately engages in conduct not compatible with an orderly search for fairness and truth in the parole decision-making process.

Accordingly, it has become apparent to the Commission that the adoption of basic regulations under section 4208(d)(2) is now warranted both to discipline misconduct and to prevent the kind of abuse which can come from a "revolving door" relationship between Federal criminal justice employment and the newly developing business of representing inmates for hire.

Preventing and Disciplining Misconduct

The proposed rule, the text of which appears below, contains two sections which give the hearing examiners and the Commission the necessary authority to correct abuses of the right to representation.

First, the proposed rule provides that, in accordance with the law, a prisoner or parolee has a free choice of