

FOR FURTHER INFORMATION CONTACT: FTC/CC, Elliot Feinberg, Washington, D.C. 20580. (202) 634-4606.

SUPPLEMENTARY INFORMATION: In the Matter of New York Coffee and Sugar Exchange, Inc., et al., a corporation. Codification appearing at 20 FR 3427 is deleted.

List of Subjects in 16 CFR Part 13

Commodities exchange, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Order Vacating Cease and Desist Order Issued on April 1, 1955

[Docket No. 6235]

In the matter of New York Coffee and Sugar Exchange, Inc., et al., a corporation.

On April 1, 1955, the Federal Trade Commission, pursuant to Section 5 of the Federal Trade Commission Act, as amended, issued the consent order in this case against the New York Coffee and Sugar Exchange, Inc., et al. (now known as the Coffee, Sugar and Cocoa Exchange), prohibiting, among other things, the use of certain restrictive contracts for trading in coffee futures.

Since enactment of the Commodity Futures Trading Commission Act, in 1974, 7 USC §§ 1 et seq., the Exchange's activities have come under the exclusive jurisdiction of the Commodity Futures Trading Commission ("CFTC"). Because the conduct covered by the Commission's order is now specifically regulated by the CFTC, the Commission has determined that it would be in the public interest to vacate its order in Docket No. 6235.

On August 1, 1983, the Commission issued an order to show cause why the order in Docket No. 6235 should not be vacated. The proposed action was accepted by the respondents.

Accordingly,

It is ordered, that this matter be, and it hereby is, reopened and that the order in Docket No. 6235 be vacated.

By direction of the Commission.

Issued: October 18, 1983.

Emily H. Rock,

Secretary.

[FR Doc. 83-29788 Filed 11-2-83; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[Docket C-3122]

Spinal Health Services, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires two Florida chiropractors and the two companies which they operate, among other things, to cease representing without competent and reliable scientific tests or evidence, that their "laser face lift" or "biostimulation face lift" will reduce, smooth out or remove facial lines, depressions and wrinkles or otherwise give the recipient a more youthful facial appearance; or that their cosmetic treatment will provide as long-lasting an improvement as that of a surgical face lift. The order also requires that respondents retain documentation substantiating claims for a period of three years, and provide its sales and advertising personnel with a copy of the order and an acknowledgement form.

DATES: Complaint and Order issued Oct. 13, 1983.¹

FOR FURTHER INFORMATION CONTACT: FTC/PS, Matthew Daynard, Washington, D.C. 20580. (202) 523-3427.

SUPPLEMENTARY INFORMATION: On Monday, August 1, 1983, there was published in the Federal Register, 48 FR 34764, a proposed consent agreement with analysis in the Matter of Spinal Health Services, Inc., a corporation, Laser Toning Center, Inc., a corporation, Fred J. Gehl, D.C., and Samuel Lux, D.C., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections to the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533-45

¹ Copies of the Complaint and the Decision and Order filed with the original document.

Maintain records; § 13.533-45(a) Advertising substantiation.

List of Subjects in 16 CFR Part 13

Doctors, Medical care, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Emily H. Rock,

Secretary.

[FR Doc. 83-29789 Filed 11-2-83; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[Docket C-3118]

Washington, D.C., Dermatological Society; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires a Washington, D.C. medical society, among other things, to cease inhibiting competition by restricting or advising member dermatologists against the truthful advertising of their fees and services; and by declaring such activities unethical. The society is required to remove from its Principals of Professional Conduct, constitution and bylaws, any provision which is inconsistent with the prohibitions contained in the order; and publish revised versions of these documents. The order also requires that the society take no formal action against a person charged with violating an ethical standard without first providing that person with a reasonable notice of the allegations and a hearing, as well as written findings and conclusions concerning the allegations. Further, for a period of 5 years, the society is required to provide each new member with a copy of the complaint and order in this matter.

DATES: Complaint and order issued Oct. 5, 1983.¹

FOR FURTHER INFORMATION CONTACT: FTC/CS-8, Jill M. Frumin, Washington, D.C. 20580. (202) 724-1342.

SUPPLEMENTARY INFORMATION: On Monday, July 18, 1983, there was published in the Federal Register, 48 FR 32600, a proposed consent agreement

¹ Copies of the Complaint and the Decision and Order filed with the original document.

with analysis in the Matter of Washington, D.C., Dermatological Society, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Coercing and Intimidating: § 13.367 Members. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements.

List of Subjects in 16 CFR Part 13

Medical societies, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46, Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Emily H. Rock,

Secretary.

[FR Doc. 83-29790 Filed 11-2-83; 8:45 am]

BILLING CODE 6750-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1406

Performance and Technical Data for Coal and Wood Burning Appliances; Reporting Requirements

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Commission issues a requirement that manufacturers and importers of coal and wood burning stoves, freestanding fireplaces, and similar appliances provide to the Commission copies of performance and technical data that are required to be supplied with these appliances by a previously-issued Commission regulation. Part of the required data is in the form of labeling on the device, including the depiction of installation clearance distances; also, complete installation, operation, and maintenance directions are required to be furnished with the appliance. The rule being issued also requires the submission of a statement of how the clearance distances (required by the previous rule to be stated on the appliance and in the instructions) were determined. The

Commission is requiring the submission of this information, along with the required labeling and directions, in order to assist the Commission in determining that the proper information is being furnished with the appliances. This requirement has been approved by the Office of Management and Budget under the Paperwork Reduction Act. [Control No. 3041-0040.]

DATE: This rule is effective December 6, 1983. Copies of the required data shall be furnished to the Commission by that date or within 30 days after any change in the data or introduction of a new model.

ADDRESSES: All materials the Commission has that are relevant to this proceeding may be seen in, or copies obtained from, the Office of the Secretary, Room 326, 5401 Westbard Avenue, Bethesda, Maryland 20207, phone (301) 492-6800.

FOR FURTHER INFORMATION CONTACT: Wade Anderson, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, D.C. 20207, phone (301) 492-6400.

SUPPLEMENTARY INFORMATION:

Background

On May 16, 1983, the Commission issued a rule under section 27(e) of the Consumer Product Safety Act, 15 U.S.C. 2076(e), requiring that certain performance and technical data be provided with coal and wood burning stoves, freestanding fireplaces, and similar appliances. 16 CFR Part 1406; 48 FR 21898. Part of the data required to be furnished is in the form of labeling on the device, including the depiction of installation clearance distances, and complete installation, operation, and maintenance directions are also required to be furnished with the appliance.

A complete explanation of the provisions and rationale for this rule is set forth in the Federal Register notice that issued the rule.

When this rule was initially proposed, it included a requirement that manufacturers, including importers, of the appliances provide the Commission with copies of the directions and labeling that they are using to satisfy the requirements of 16 CFR Part 1406. Under the proposal, manufacturers would also provide to the Commission a statement of how the clearance distances that are required by the rule to be stated on the appliance were determined. Submission

of these data is required so the staff can determine (1) that the specific statements required by the rule are present, (2) that other types of information required by the rule, but not required to be in specific language, are present, and (3) whether the clearance distances stated appear appropriate or whether further investigation is necessary.

When 16 CFR Part 1406 was issued, the Commission stated that these proposed information submission requirements would be issued after they had been approved by the Office of Management and Budget under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* This approval has now been obtained (OMB Control No. 3041-0040), and the requirements are issued below.

Comment on the Proposal

One comment on the proposed rule related to the requirement to submit data to the Commission. This commenter stated that the proposed rule did not provide any protection against disclosure of test data submitted to the Commission to a party who requested it under the Freedom of Information Act. The commenter stated that the rule should provide such protection.

In general, the Commission does not have the authority to withhold information requested under the Freedom of Information Act (FOIA), 5 U.S.C. 552, unless the information fits into one of the exemptions provided in 5 U.S.C. 552(b). The exemption that could fit the situation described by this commenter is in paragraph (4) of that section, which concerns "trade secrets and commercial or financial information obtained from a person and privileged or confidential." If the information submitted fits into this category, under 15 U.S.C. 2055(a)(2) the Commission would be prohibited from disclosing it. Therefore, exemption (3) of the FOIA (which exempts items that are specifically exempted from disclosure by statute, under certain conditions) would also be applicable. Disclosure of trade secrets and certain other types of confidential information is also prohibited by 18 U.S.C. 1905. Furthermore, under 15 U.S.C. 2055 (with certain exceptions), the Commission may not release information that would enable the public to ascertain readily the identity of a manufacturer or private labeler of a consumer product unless (1) the Commission notifies the manufacturer or private labeler of the intended disclosure, (2) provides them an opportunity to comment, and (3) takes the reasonable steps provided in 15 U.S.C. 2055(b). This section provides

¹ The rule was approved by a 4-0 vote of the Commission. Newly appointed Commissioner Terrance Scanlon abstained.

such party with an opportunity to seek an injunction barring the disclosure if the party believes the information to be disclosed is inaccurate.

These statutory procedures should provide adequate protection against the disclosure of test data submitted to the Commission under the requirement of 16 CFR 1406.5. Therefore, no changes in the rule are needed in this regard.

Economic and Environmental Effects

The possible effects of the requirement for manufacturers to provide data to the Commission were considered as part of the rule issued by the Commission on May 16, 1983 (48 FR 21898). In the *Federal Register* notice issuing those requirements, the Commission noted that the overall estimated cost of the rule to manufacturers, including the cost of providing information to the agency, would be up to about \$2.05 per stove for most firms. As mentioned in that notice, the information submission requirement accounts for a negligible portion of the overall cost, and issuance of this requirement would have no significant economic impact on manufacturers, distributors, or consumers. Therefore, in accordance with the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601-612, the Commission certifies that issuance of this rule will not have a significant economic impact on a substantial number of small entities, including small manufacturers and distributors, testing organizations, and local governments. Similarly, issuance of the information submission requirement would have no significant environmental effects; thus, no environmental impact assessment is needed.

Penalties

Failure to submit the data as required by this regulation is a prohibited act, as specified in section 19(A)(9) of the CPSA, 15 U.S.C. 2068(a)(9), and could lead to civil and criminal penalties under sections 20 and 21 of the CPSA, 15 U.S.C. 2069, 2070. Section 21 provides criminal penalties for violations after notice, consisting of fines of not more than \$50,000 and imprisonment for not more than one year. Section 20 provides for a civil penalty not to exceed \$2,000 for each violation, with a maximum civil penalty of \$500,000 for any related series of violations. In addition, section 22 of the act, 15 U.S.C. 2071, authorizes the Commission to obtain an injunction from a United States district court to

restrain a violation of the notification requirement.

Statutory Findings

The rule is issued under section 27(e) of the Consumer Product Safety Act (CPSA), 15 U.S.C. 207(e), which authorizes the Commission to require manufacturers of consumer products to provide the Commission with such performance and technical data related to performance and safety as may be required to carry out the purposes of the act. As provided in section 2(b) of the CPSA, 15 U.S.C. 2051(b), two of the purposes of the act are (a) to protect the public against unreasonable risks of injury associated with consumer products and (b) to assist consumers in evaluating the comparative safety of consumer products.

1. *Protecting the public from unreasonable risks of injury.* The estimates of fire incidents that are associated with coal and wood burning appliances show that there is a substantial risk associated with their use. This risk has been addressed by the requirements of 16 CFR Part 1406 at a minimal cost to the consumer. Providing this information to consumers should reduce the number of improperly installed appliances and increase the number of consumers who know how to operate and maintain these devices properly. The Commission therefore concluded that there is an unreasonable risk of injury associated with those coal and wood burning appliances that do not provide the notices and directions required by Part 1406.

2. *Comparative safety.* The requirements of Part 1406 will aid the public in determining which appliances can be safely installed in the space available. This knowledge facilitates the consumer's choice of an appliance to suit his or her installation situation.

Therefore, in order to carry out the purposes of the CPSA to protect the public against unreasonable risks of injury and to assist the public in evaluating the comparative safety of consumer products, the Commission concluded that it is necessary to require the manufacturers of these products to provide the notifications described in Part 1406. The Commission concludes at this time that it is also necessary to require manufacturers (including importers) of these products to submit to the Commission copies of the labels and directions required by Part 1406, as well as to submit to the Commission a statement of how the distances to combustibles required to be stated by § 1406.4 (a)(1) were determined. These submissions are required to help ensure

that the appropriate information is being provided to consumers as required by Part 1406.

List of Subjects in 16 CFR Part 1406

Advertising, Consumer protections, Fire prevention, Housing standards, Labeling.

PART 1406—[AMENDED]

Accordingly, under provisions of the Consumer Product Safety Act (secs. 2, 27(e), Pub. L. 92-573, 86 Stat. 1207, 1228; 15 U.S.C. 2051, 2076(e)), the Commission amends Part 1406, Subchapter B, Chapter II, of Title 16 of the Code of Federal Regulations as follows:

§ 1406.1 [Amended]

1. The following sentence is added to the end of § 1406.1(a):

- • • This Part 1406 also requires these manufacturers to provide to the Commission a copy of the notification to consumers and a statement of the reasons supporting the manufacturer's conclusion that certain clearance distances contained in the notification are appropriate for preventing fires.

(OMB Control No. 3041-0040)

2. The following new paragraph (c)(3) is added to § 1406.1:

- (c) • • •
- (3) Section 1406.5 is effective December 6, 1983.

3. In § 1406.1(c)(1), the introductory phrase "Except as provided in paragraph (c)(2) of this section" is changed to read "Except as provided in paragraphs (c)(2) and (c)(3) of this section".

§ 1406.2 [Amended]

4. The following new paragraph (c) is added to § 1406.2:

- • • • •
- (c) The Commission has also determined that in carrying out these purposes of the act, it is necessary for manufacturers to provide to the Commission a copy of the information provided to consumers and a statement of the reasons why some of the information was selected, in accordance with § 1406.5.

5. The following new § 1406.5 is added:

§ 1406.5 Performance and technical data to be furnished to the Commission.

Manufacturers, including importers, of coal and wood burning appliances as defined in § 1406.3(a) shall provide to the Commission the following performance and technical data related to performance and safety.

(a) *Written notice.* Manufacturers shall provide to the Commission copies of the written notice required by § 1406.4(a). If the written notice is provided to purchasers in a way, such as by casting or stamping the notice into the stove, that makes it impractical to furnish a sample of the actual notice to the Commission, the manufacturer will provide an actual-size copy of the notice and a description of the forming process.

(b) *Directions.* Manufacturers shall provide to the Commission a copy of the directions required by § 1406.4(b).

(c) *Rationale.* Manufacturers shall provide to the Commission a statement of how the distances to combustibles required to be stated by § 1406.4(a)(1) were determined. In addition, the manufacturer will state the type of appliance, its fuel, size, and weight, and the material of which it is constructed, unless this information is included in the directions submitted under paragraph (b) of this section.

(d) *General.* (1) The information required to be submitted under paragraph (a) through (c) of this section shall be submitted for each distinct design or model of appliance manufactured. An appliance will be considered to be a distinct design or model if it differs from other appliances of the same manufacturer by functional differences such as performance, weight, size, or capacity. Differences in cosmetic or other nonfunctional features do not require the submission of additional information.

(2) The written notice, directions, and rationale shall be provided to the Associate Executive Director for Compliance and Administrative Litigation, Consumer Product Safety Commission, 5401 Westbard Avenue, Bethesda, Maryland 20207, by December 6, 1983. If there is a subsequent change in the component materials or design features of a model for which this information was previously submitted that could cause the model to require different clearances from combustibles or a different type of chimney, or if a new product is introduced into United States commerce, the required information shall be submitted within 30 days after the change or introduction.

(Approved by Office of Management and Budget under control number 3041-0040)

Dated: October 31, 1983.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

(FR Doc. 83-29801 Filed 11-2-83; 8:45 am)

BILLING CODE 6355-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs For Use in Animal Feeds; Pyrantel Tartrate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Ralston-Purina Co. providing for use of a 48-gram-per-pound pyrantel tartrate premix to make a 19.2-gram-per-pound pyrantel tartrate intermediate premix for making complete swine feeds.

EFFECTIVE DATE: November 3, 1983.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Bureau of Veterinary Medicine (HFV-130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4913.

SUPPLEMENTARY INFORMATION: Ralston-Purina Co., Checkerboard Square, St. Louis, MO 63164, is sponsor of NADA 135-841. The NADA provides for use of a 48-gram-per-pound pyrantel tartrate premix supplied by Pfizer, Inc., to make a 19.2-gram-per-pound pyrantel tartrate intermediate premix for making complete swine feeds used for aid in prevention of migration and establishment of large roundworm (*Ascaris suum*) infections; for aid in prevention of establishment, removal, and control of nodular worm (*Oesophagostomum* spp.) infections; and for removal and control of large roundworm (*Ascaris suum*) infections.

The NADA is approved and the regulations are amended to reflect this approval. The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact

on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.
Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.485 is amended by revising paragraph (a)(2) to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.485 Pyrantel tartrate.

(a) * * *
(2) To 017800: 19.2 and 48 grams per pound, paragraph (e)(1) through (3) of this section

* * * * *

Effective date. November 3, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: October 27, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

(FR Doc. 83-29815 Filed 11-2-83; 8:45 am)

BILLING CODE 4180-01-M

UNITED STATES INFORMATION AGENCY

22 CFR Part 514

Exchange Visitor Programs

AGENCY: United States Information Agency.

ACTION: Interim rule and request for comments.

SUMMARY: 22 CFR §§ 514.11, 514.13(b) and 514.17 are modified (1) to reflect organizational changes at the U.S.I.A., (2) to update minimum requirements for designating Teenage Exchange Visitor Programs, and (3) to develop a due process procedure for revocation or suspension of designation of an Exchange Visitor Program. The modifications clarify and update existing regulations.

EFFECTIVE DATE: Comments are due December 5, 1983. The interim rule shall be effective November 3, 1983 and shall remain in effect until the publication of a final rule. However, the effective date for § 514.13(b)(12) shall be published at a later date.

ADDRESSES: Send comments to: Richard L. Fruchterman, Assistant General Counsel, United States Information