

(8) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if, upon such disclosure, notification is transmitted to the last known address of the individual to whom the record pertains;

(9) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(10) To the Comptroller General, or any of his/her authorized representatives, in the course of the performance of the duties of the General Accounting Office;

(11) Pursuant to the order of a court of competent jurisdiction; or

(12) To a consumer reporting agency in accordance with 31 U.S.C. 3711(f).

(c) Any Statement of Disagreement with the Corporation's determination not to amend a record, filed with the Corporation by an individual pursuant to § 1616.9(d) of this part, will be included in the disclosure of the record under authority of paragraph (b) of this section. The Corporation may, in its discretion, also include a copy of the Corporation's Statement of Explanation.

(d) The Corporation, with respect to each system of records under its control shall:

(1) Except for disclosures made under paragraphs (b)(1) or (b)(2) of this section, keep an accurate accounting of:

(i) The date, nature, and purpose of each disclosure of a record to any person or to another agency made under paragraph (b) of this section; and

(ii) The name and address of the person or agency to whom the disclosure is made; and

(2) retain the accounting made under paragraph (d)(1) of this section for at least five years or the life of the record, whichever is longer, after the disclosure for which the accounting is made;

(3) except for disclosures made under paragraph (b)(7) of this section, make the accounting made under paragraph (d)(1) of this section available to the individual named in the record at his/her request; and

(4) inform any person or other agency about any correction or Statement of Dispute made by an individual in accordance with § 1616.9(d) of this part, of any record that has been disclosed to the person or agency if an accounting of the disclosure was made.

§ 1616.12 Fees.

The Corporation, upon a request for records disclosable pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), shall

charge a fee of \$0.20 per page for duplicating, except as follows:

(a) If the Corporation determines that it can grant access to a record only by providing a copy of the record, no fee will be charged for providing the first copy of the record or any portion thereof; and

(b) Whenever the aggregate fees computed under this section do not exceed \$25.00 for any one request, the fee will be deemed waived by the Corporation.

§ 1616.13 Penalties.

Any person who knowingly and willfully requests or obtains any record concerning an individual from the RTC under false pretenses shall be guilty of a misdemeanor and fined not more than \$5,000.

§ 1616.14 Exemptions.

The following information is exempt from disclosure: (a) Investigatory material compiled for law enforcement purposes is exempt from §§ 1616.3 through 1616.9 and § 1616.11(d)(3) of this part, *provided, however*, that if any individual is denied any right, privilege, or benefit to which he/she would otherwise be entitled under Federal law, or for which he/she would otherwise be eligible, as a result of the maintenance of such material, such material shall be disclosed to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence;

(b) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Corporation employment to the extent that disclosure of such material would reveal the identity of a source who furnished information to the Corporation under an express promise that the identity of the source would be held in confidence, is exempt from §§ 1616.3 through 1616.9 and § 1616.11(d)(3) of this part; and

(c) Testing or examination material used solely to determine or assess individual qualifications for appointment or promotion in the Corporation's service, the disclosure of which would compromise the objectivity or fairness of the testing, evaluation, or examination process is exempt from §§ 1616.3 through 1616.9 and § 1616.11(d)(3) of this part.

Appendix A—RTC Field Offices

1. Atlanta Office, 100 Colony Square Building 100, suite 2300, Atlanta, GA. 30361, 1-800-828-4362; (404) 881-4840.

2. California Office, 4000 MacArthur Boulevard, Newport Beach, CA. 92660, 1-800-283-9288; (714) 631-0582.

3. Dallas Office, 3500 Maple Avenue, Dallas, TX. 75219, (214) 443-2300.

4. Denver Office, 1515 Arapahoe Street, Tower 3, suite 800, Denver, CO. 80202, 1-800-542-8135; (303) 558-8500.

5. Kansas Office, Board of Trade Building II, 4900 Main Street, Kansas City, MO. 64112, 1-800-365-3342; (816) 531-2212.

6. Valley Forge Office, 1000 Adams Avenue, Norristown, PA. 19403, (215) 650-8500.

7. Minneapolis Office, 3400 Yankee Drive, 4th Floor, Eagan, MN. 55122, 1-800-873-5815; (612) 883-4400.

8. Phoenix Office, 2910 North 44th Street, Phoenix, AZ. 85018, 1-800-937-7782; (602) 224-1796.

9. San Antonio, 10100 Reunion Place, Suite 25, San Antonio, TX. 78216, (512) 524-4700.

10. Baton Rouge Office, 100 St. James Street, Suite H, Baton Rouge, LA. 70802, (504) 339-1000.

11. Chicago Office, 25 Northwest Point Boulevard, Elk Grove Village, IL. 60007, 1-800-284-6197; (708) 806-7750.

12. Houston Office, 2223 West Loop South, Houston, TX. 77027, (713) 888-2700.

13. Somerset Office, 300 Davidson Avenue, Somerset, NJ. 08873, 1-800-542-0435; (908) 805-4000.

14. Tampa Office, 4200 West Cypress Street, Tampa, FL. 33607, 1-800-283-1241; (813) 870-7000.

15. Tulsa Office, 321 South Boston, Tulsa, OK. 74103, 1-800-458-5382; (918) 587-7600.

By order of the Chief Executive Officer.

Dated at Washington, DC, this 16th day of September 1992.

John M. Buckley, Jr.,

Secretary, Resolution Trust Corporation.

[FR Doc. 92-22867 Filed 9-21-92; 8:45 am]

BILLING CODE 6714-01

FEDERAL TRADE COMMISSION

16 CFR Part 305

[RIN 3084-AA26]

Rules for Using Energy Cost and Consumption Information Used in Labeling and Advertising of Consumer Appliances Under the Energy Policy and Conservation Act; Ranges of Comparability for Dishwashers

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission amends its Appliance Labeling Rule by revising the ranges of comparability used on required labels for dishwashers.

Under the rule, each required label on a covered appliance must show a range, or scale, indicating the range of energy costs or efficiencies for all models of a

size or capacity comparable to the labeled model. This notice publishes the new range figures, which, under §§ 305.10, 305.11 and 305.14 of the rule, must be used on labels on dishwashers manufactured on and after December 21, 1992 and in advertising of dishwashers beginning December 21, 1992. Properly labeled dishwashers manufactured prior to the effective date need not be relabeled. Catalogs printed prior to the effective date in accordance with 16 CFR 305.14 need not be revised.

EFFECTIVE DATE: December 21, 1992.

FOR FURTHER INFORMATION CONTACT: James Mills, Attorney, 202-326-3035, Division of Enforcement, Federal Trade Commission, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Section 324 of the Energy Policy and Conservation Act of 1975 (EPCA)¹ required the Federal Trade Commission to consider labeling rules for the disclosure of estimated annual energy cost or alternative energy consumption information for at least thirteen categories of appliances. Dishwashers are included as one of the categories. Before these labeling requirements may be prescribed, the statute requires the Department of Energy ("DOE") to develop test procedures that measure how much energy the appliances use. In addition, DOE is required to determine the representative average cost a consumer pays for the different types of energy available.

On November 19, 1979, the Commission issued a final rule² covering seven of the thirteen appliance categories, including dishwashers. The rule requires that energy costs and related information be disclosed on labels and in retail sales catalogs for all dishwashers presently manufactured. Certain point-of-sale promotional materials must disclose the availability of energy usage information. If a

dishwasher is advertised in a catalog from which it may be purchased by cash, charge account or credit terms, then on each page of the catalog that lists the product shall be included the range of estimated annual energy costs for the product. The required disclosures and all claims concerning energy consumption made in writing or in broadcast advertisements must be based on the results of the DOE test procedures.

Section 305.8(b) of the rule requires manufacturers, after filing an initial report, to report annually by specified dates for each product type.³ The data submitted by manufacturers are based, in part, on the representative average unit cost of the type of energy used to run the appliances tested. According to Section 305.9 of the rule, these average energy costs, which are provided by DOE, will be periodically revised by the Commission, but not more often than annually. Because the costs for the various types of energy change yearly, and because manufacturers regularly add new models to their lines, improve existing models and drop others, the data base from which the ranges of comparability are calculated is constantly changing. To keep the required information in line with these changes, the Commission is empowered, under § 305.10 of the rule, to publish new ranges (but not more often than annually) if an analysis of the new data indicates that the upper or lower limits of the ranges have changed by more than 15%.

The new figures for the estimated annual costs of operation for dishwashers, which were calculated using the 1992 representative average energy costs published by DOE on January 14, 1992,⁴ have been submitted and have been analyzed by the Commission. New ranges based upon them are herewith published.

In consideration of the foregoing, the Commission amends appendix C of its Appliance Labeling Rule by publishing the following ranges of comparability for use in the labeling and advertising of dishwashers beginning December 21, 1992.

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling Reporting and recordkeeping requirements.

Accordingly, 16 CFR part 305 is amended as follows:

PART 305—[AMENDED]

1. The authority citation for part 305 continues to read as follows:

Authority: Sec. 324 of the Energy Policy and Conservation Act (Pub. L. 94-163) (1975), as amended by the National Energy Conservation Policy Act, (Pub. L. 95-619) (1978), the National Appliance Energy Conservation Act, (Pub. L. 100-12) (1987), and the National Appliance Energy Conservation Amendments of 1988, (Pub. L. 100-357) (1988), 42 U.S.C. 6294; sec. 553 of the Administrative Procedure Act, 5 U.S.C. 553.

2. In appendix C, paragraph 1 and the introductory text in paragraph 2 are revised to read as follows:

Appendices

* * * * *

Appendix C to Part 305—Dishwashers

1. **Range Information:** "Compact" includes countertop dishwasher models with a capacity of fewer than eight (8) place settings.

"Standard" includes portable or built-in dishwasher models with a capacity of eight (8) or more place settings.

Place settings shall conform to AHAM Specification DW-1 for chinaware, flatware and serving pieces. Load patterns shall conform to the operating normal for the model being tested.

⁴ 57 FR 1461. The cost for electricity was published as 8.25 cents per kilowatt-hour; for natural gas: 58 cents per therm; for propane: 74 cents per gallon; for no. 2 heating oil: \$1.03 per gallon.

¹ Public Law 94-163, 89 Stat. 871 (Dec. 22, 1975).

² 44 FR 66466. On December 10, 1987 (52 FR 46888), the Commission amended the Appliance

Labeling Rule by extending coverage to include central air conditioners and heat pumps.

³ Reports for dishwashers are due by June 1.

Ranges of comparability	Ranges of estimated yearly energy costs			
	Electrically heated water		National gas heated water	
	Low	High	Low	High
Compact.....	(¹)	(¹)	(¹)	(¹)
Standard.....	\$52.00	\$82.00	\$29.00	\$46.00

¹ No data submitted.

2. *Yearly Cost Information:* Estimates on the scales are based on a national average electric rate of 8.25¢ per kilowatt hour, a national average natural gas rate of 58¢ per therm, and eight loads of dishes per week.

Donald S. Clark,
Secretary.

[FR Doc. 92-22895 Filed 9-21-92; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 178

[Docket No. 89F-0394]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of *n*-alkyl(C₁₂-C₁₆)benzyl-dimethylammonium chloride; ammonium chloride; calcium stearate; sodium bicarbonate; starch or dextrin, or both; and methylene blue as a colorant, as components of a sanitizing solution to be used on food-processing equipment and utensils, including food-contact surfaces in public eating places. This action responds to a petition filed by Edwards-Councilor Co., Inc.

DATES: Effective September 22, 1992; written objections and requests for a hearing by October 22, 1992.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Sandra L. Varner, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9511.

SUPPLEMENTARY INFORMATION: In a notice published in the *Federal Register* of October 27, 1989 (54 FR 43861), FDA announced that a food additive petition (FAP 9B4159) had been filed by Edwards-Councilor Co., Inc., 1427 Baker Rd., Airport Industrial Park, Virginia Beach, VA 23455, proposing that § 178.1010 *Sanitizing solutions* (21 CFR 178.1010) be amended to provide for the safe use of a sanitizing solution

containing *n*-alkyl(C₁₂-C₁₆)benzyl-dimethylammonium chloride; calcium stearate; sodium bicarbonate; starch or dextrin, or both; and methylene blue as a colorant for use on food-processing equipment, utensils, and other food-contact articles. In a notice published in the *Federal Register* of September 11, 1991 (56 FR 46324), the filing notice was amended to also include ammonium chloride as a component of the sanitizing solution.

I. Safety and Functional Effect of Petitioned Use of the Additives

Sanitizing solutions are mixtures of chemicals that function together to sanitize food-contact surfaces and are regulated as mixtures. Each listed component in a sanitizing solution has a functional effect. Section 178.1010(b) permits the addition to a sanitizing solution of any component that is generally recognized as safe (GRAS). The subject sanitizing solution contains containing *n*-alkyl(C₁₂-C₁₆)benzyl-dimethylammonium chloride; calcium stearate; sodium bicarbonate; starch or dextrin, or both; and methylene blue. The function of each component in the subject sanitizer and the basis for the agency's determination of each component's safety are described below.

A. *N*-Alkyl(C₁₂-C₁₆)benzyl-dimethylammonium chloride

The component *n*-alkyl(C₁₂-C₁₆)benzyl-dimethylammonium chloride functions as the antimicrobial agent in the subject sanitizing solution. It is listed as a component in several regulated sanitizing solutions under § 178.1010. On the basis of the data submitted in support of these regulated uses and the data contained in the food additive petition submitted in support of listing this sanitizing solution, FDA finds that the use of *n*-alkyl(C₁₂-C₁₆)benzyl-dimethylammonium chloride is safe in the subject sanitizing solution.

B. Ammonium Chloride

Ammonium chloride functions as a solubilizing agent in the subject sanitizing solution. Ammonium chloride is listed as GRAS under 21 CFR 184.1138. On the basis of the data contained in the food additive petition submitted in support of listing this sanitizing solution and other available data, FDA finds that the use of ammonium chloride in the subject sanitizing solution is safe.

C. Calcium Stearate

Calcium stearate functions as a

formulation aid for the formation of the tablet form of the components. Calcium stearate is listed as GRAS under 21 CFR 184.1229. On the basis of the data contained in the food additive petition submitted in support of listing this sanitizing solution and other available data, FDA finds that the use of calcium stearate in the subject sanitizing solution is safe.

D. Sodium Bicarbonate

Sodium bicarbonate functions as a solubilizing agent in the subject sanitizing solution. Sodium bicarbonate is listed as GRAS under 21 CFR 184.1736. On the basis of data contained in the food additive petition submitted in support of listing this sanitizing solution and other available data, FDA finds that the use of sodium bicarbonate in the subject sanitizing solution is safe.

E. Starch or Dextrin

Starch and dextrin function as tablet disintegrators, and may be used individually or in combination in the subject sanitizing solution. Starch is GRAS, and dextrin is listed as GRAS under 21 CFR 184.1277. On the basis of the data contained in the food additive petition submitted in support of listing this sanitizing solution and other available data, FDA finds that the use of starch and dextrin in the subject sanitizing solution, either individually or in combination, is safe.

F. Methylene Blue

Methylene blue functions as a colorant in the subject sanitizer. Methylene blue is not currently regulated for this use. On the basis of the data contained in this food additive petition submitted in support of listing this sanitizing solution, FDA finds that the use of methylene blue in the subject sanitizing solution is safe.

FDA has evaluated data in the petition and other relevant information. The agency concludes that the data and information establish the safety of the level of use and the effectiveness of the additive as a sanitizing solution and that the regulations should be amended in § 178.1010 as set forth below. The agency also finds that the data in this petition support the use of the subject sanitizing solution on food-contact surfaces in public eating places as well as other food-processing equipment and utensils.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the

petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

II. Environmental Impact

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

III. Filing of Objections

Any person who will be adversely affected by this regulation may at any time on or before October 22, 1992, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging.
Therefore, under the Federal Food, Drug, and Cosmetic Act and under

authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 178 is amended as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for 21 CFR part 178 continues to read as follows:

Authority: Secs. 201, 402, 409, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 376).

2. Section 178.1010 is amended by adding new paragraphs (b)(41) and (c)(36) to read as follows:

§ 178.1010 Sanitizing solutions.

* * * * *

(b) * * *

(41) An aqueous solution containing *n*-alkyl(C₁₂-C₁₆)benzyltrimethylammonium chloride, having average molecular weights ranging from 351 to 380 wherein the alkyl groups contain principally 12 to 16 carbons and not more than 1 percent each of the groups with 8 and 10 carbon atoms; ammonium chloride (CAS Reg. No. 12125-02-9); calcium stearate (CAS Reg. No. 1529-23-0); sodium bicarbonate (CAS Reg. No. 144-55-9); starch or dextrin, or both starch and dextrin (CAS Reg. No. 9004-53-9); and the optional ingredient methylene blue (CAS Reg. No. 61-73-4). In addition to use on food-processing equipment and utensils, this solution may be used on food-contact surfaces in public eating places.

(c) * * *

(36) Solutions identified in paragraph (b)(41) of this section shall provide, when ready for use, not less than 150 parts per million and not more than 200 parts per million of *n*-alkyl(C₁₂-C₁₆)benzyltrimethylammonium chloride; and not more than 0.4 part per million of the colorant methylene blue. Components shall be present in the product used to prepare the solution in the following proportions: 1 part *n*-alkyl(C₁₂-C₁₆)benzyltrimethylammonium chloride to 0.24 part ammonium chloride to 0.08 part calcium stearate to 0.60 part sodium bicarbonate to 0.08 part starch or dextrin, or a combination of starch and dextrin.

* * * * *

Dated: September 10, 1992.

Douglas L. Archer,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 92-22950 Filed 9-21-92; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Parts 1310 and 1313

Records, Reports, and Exports of Listed Chemicals

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations implementing the Chemical Diversion and Trafficking Act of 1988 (CDTA) by including hydrochloric acid and sulfuric acid as listed essential chemicals for the purpose of imposing controls on exports to cocaine producing areas. The inclusion of these chemicals into the CDTA requires any exporter of these chemicals to targeted countries to comply with the regulated export transaction requirements specified in 21 CFR parts 1310 and 1313.

EFFECTIVE DATE: October 22, 1992.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug and Chemical Evaluation Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Telephone: (202) 307-7183.

SUPPLEMENTARY INFORMATION:

Introduction

On December 11, 1991, a notice of proposed rulemaking was published by the Administrator of the Drug Enforcement Administration (DEA) in the *Federal Register* (56 FR 64582-64584) to include hydrochloric acid and sulfuric acid as listed essential chemicals under the Chemical Diversion and Trafficking Act (CDTA) of 1988. The proposed rule provided the opportunity for interested parties to submit comments on or before January 10, 1992.

Two interested parties filed comments. A section by section analysis of the comments and the DEA's consideration of them are set forth below.

Substances Covered (1310.02)

One respondent suggested that the proposal, as written, did not clearly specify the forms of the acids to be regulated. It is the intent of the DEA to regulate both concentrated and diluted solutions of hydrochloric acid and sulfuric acid and anhydrous hydrochloric acid, also known as hydrogen chloride gas. The DEA does not consider aqueous solutions of regulated chemicals, including hydrochloric acid and sulfuric acid, to