

**FOR FURTHER INFORMATION CONTACT:**

Sandra M. Peay or Renee A. Horton  
Contact Representatives, Federal Trade  
Commission, Premerger Notification  
Office, Bureau of Competition room 303,  
Washington, DC 20580, (202) 326-3100.

By Direction of the Commission.

Donald S. Clark,  
Secretary.

[FR Doc. 93-3391 Filed 2-11-93; 8:45 am]

BILLING CODE 6750-01-M

[File No. 922 3166]

**PerfectData Corporation; Proposed  
Consent Agreement With Analysis To  
Aid Public Comment**

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

**SUMMARY:** In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, a California marketer of electronic office equipment care and maintenance products from representing that any product containing a Class I or Class II ozone-depleting substance—as defined by the Clean Air Act Amendments of 1990—is ozone friendly, contains no ozone depleting CFCs, or has ozone guard, and from representing or implying that any such product will not damage or deplete the ozone in the upper atmosphere. The respondent would also be prohibited from making any environmental benefit claims for any of its products unless the company possesses and relies upon competent and reliable scientific evidence to substantiate the claims.

**DATES:** Comments must be received on or before April 13, 1993.

**ADDRESSES:** Comments should be directed to: FTC/Office of the Secretary, room 159, 6th St. and Pa. Ave., NW., Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:**

Ralph Stone, San Francisco Regional Office, Federal Trade Commission, 901 Market St., suite 570, San Francisco, CA. 94103. (415) 744-7920.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period

of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

**Agreement Containing Consent Order to Cease and Desist**

The Federal Trade Commission, having initiated an investigation of certain acts and practices of PerfectData Corporation, a corporation, hereinafter sometimes referred to as proposed respondent, and it now appearing that the proposed respondent is willing to enter into an agreement containing an order to cease and desist from the acts and practices being investigated,

*It is hereby agreed* by and between the respondent, by its duly authorized officer, and counsel for the Federal Trade Commission that:

1. Proposed respondent PerfectData Corporation is a corporation organized, existing, and doing business under and by virtue of the laws of the State of California, with its office and principal place of business at 1825 Surveyor Avenue, Simi Valley, California 93063.

2. Proposed respondent admits all the jurisdictional facts set forth in the attached draft complaint.

3. Proposed respondent waives:

a. Any further procedural steps;

b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

c. All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

d. All claims under the Equal Access to Justice Act, 5 U.S.C. 504.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the attached draft complaint, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute

an admission by the proposed respondent of facts, other than jurisdictional facts, or of violations of law as alleged in the draft of complaint here attached.

6. This agreement contemplates that if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of section 2.34 of the Commission's Rules, the Commission may, without further notice to the proposed respondent, (a) issue its complaint corresponding in form and substance with the attached draft complaint and its decision containing the following order to cease and desist in disposition of the proceeding and (b) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to the proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the attached draft complaint and the following order. Proposed respondent understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

**Order**

*Definitions*

For the purposes of this Order, the following definitions shall apply:

"Class I ozone-depleting substance" means a substance that harms the environment by destroying ozone in the upper atmosphere and is listed as such in title 6 of the Clean Air Act Amendments of 1990, Public Law No. 101-549, and any other substance which may in the future be added to the list pursuant to title 6 of the Act. Class I substances currently include

chlorofluorocarbons, halons, carbon tetrachloride and 1,1,1-trichloroethane.

"Class II ozone-depleting substance" means a substance that harms the environment by destroying ozone in the upper atmosphere and is listed as such in title 6 of the Clean Air Act Amendments of 1990, Public Law No. 101-549, and any other substance which may in the future be added to the list pursuant to title 6 of the Act. Class II substances currently include hydrochlorofluorocarbons.

#### I.

*It is ordered* that respondent, PerfectData Corporation, a corporation, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, labeling, offering for sale, sale, or distribution of any product, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing that any such product containing any Class I or Class II ozone-depleting substance is "ozone friendly," "contains no ozone depleting CFCs," "ozone guard," or, by words, depictions, or symbols representing directly or by implication, that any such product will not deplete, destroy, or otherwise adversely affect ozone in the upper atmosphere.

#### II.

*It is further ordered* that respondent PerfectData Corporation, a corporation, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, labeling, offering for sale, sale, or distribution of any product, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, in any manner, directly or by implication, that any product offers any environmental benefit, unless at the time of making such representation, the respondent possess and rely upon competent and reliable scientific evidence that substantiates the representation. For purposes of this Order, "competent and reliable scientific evidence" shall mean tests, analyses, research, studies, or any other evidence based on the expertise of professionals in the relevant area, that has been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results.

#### III.

*It is further ordered* that for three (3) years from the date that the respondent makes any representation covered by this Order, the respondent shall maintain and upon written request make available to the Federal Trade Commission for inspection and copying:

A. All materials that the respondent relied upon in disseminating any representation covered by this Order.

B. All tests, reports, studies or surveys, analyses, or other materials in the possession or control of the respondent that contradict, qualify, or call into question any representation covered by this Order or the basis on which the respondent relied for such representation.

#### IV.

*It is further ordered* that the respondent shall notify the Commission at least thirty (30) days prior to any proposed change in the corporation such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution or subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this Order.

#### V.

*It is further ordered* that the respondent shall distribute a copy of this Order to each of its operating divisions and to each of its officers, agents, representatives or employees engaged in the preparation or placement of advertisements, promotional materials, product labels, or other sales materials covered by this Order.

#### VI.

*It is further ordered* that the respondent shall, within sixty (60) days after service of this Order upon it, and at such other times as the Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

#### Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement, subject to final approval, to a proposed consent order from respondent PerfectData Corporation, a California corporation.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received

and will decide whether it should withdraw from the agreement and take other appropriate action, or make final the agreement's proposed order.

This matter concerns labeling and advertising of "PerfectDuster II," a computer and office equipment care and maintenance product. The Commission's complaint in this matter charges that the respondent's labeling and advertising contain false and misleading representations that this product "with ozone guard" is "ozone friendly" and "contains no ozone depleting CFCs." The complaint alleges that the respondent represented that there are no ingredients in its product that will deplete the earth's ozone layer, and that because the product contains no CFCs, the product does not deplete the earth's ozone layer. In fact, the complaint alleges, these representations are false and misleading, because respondent's product contains the hydrochlorofluorocarbon (HCFC) known as chlorodifluoromethane (HCFC-22), a known ozone-depleting chemical.

The proposed consent order contains provisions designed to remedy the violations charged and to prevent the respondent from engaging in similar acts and practices in the future.

The proposed order defines Class I and Class II ozone-depleting substances, incorporating the definitions established in the Clean Air Act Amendments of 1990. Class I substances currently listed under the Act are chlorofluorocarbons (CFCs), halons, carbon tetrachloride, and 1,1,1-trichloroethane. Class II substances currently consist of HCFCs.

Part I of the proposed order requires the respondent, in connection with the advertising, labeling, offering for sale, sale, or distribution of any product, to cease representing that products containing any Class I or Class II ozone-depleting substances are "ozone friendly," "contains no ozone depleting CFCs," "with ozone guard," or by words, depictions, or symbols representing that any such product will not deplete, destroy, or otherwise adversely affect ozone in the upper atmosphere.

Under the Clean Air Act Amendments, the Environmental Protection Agency has authority to add new chemicals to the Class I and Class II lists. Thus, the order's definitions of Class I and Class II ozone-depleting substances specifically include substances that may be added to these lists. If additional substances are added to the Class I and Class II lists, Part I of the order becomes applicable to claims made for products containing those

substances after the substances are added to the lists.

Part II of the proposed order requires the respondent to cease representing that any of its products offer any environmental benefit, unless the respondent possesses and relies upon competent and reliable scientific evidence that substantiates the representation.

Parts III, IV, V, and VI of the proposed order are standard order provisions requiring the respondent to retain substantiation materials, to notify the Commission of changes in corporate identity, to distribute a copy of the order to officers, agents, representatives, or employees, and to file one or more reports detailing compliance with the order.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Donald S. Clark,  
Secretary.

[FR Doc. 93-3392 Filed 2-11-93; 8:45 am]

BILLING CODE 5750-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

#### Agency Forms Submitted to the Office of Management and Budget for Clearance

On Fridays, the Department of Health and Human Services, Office of the Secretary publishes a list of information collections it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). The following are those information collections recently submitted to OMB.

**1. Questionnaire To Conduct a One-time "Safe Harbor Regulations Survey"**—The purpose of this survey is to provide the Office of the Inspector General (OIG) with information needed to satisfy the requirement in 42 CFR part 1001.93 that the OIG report to the Secretary on compliance with two provisions in the safe harbor regulations (42 CFR part 1001.952(a)(2)(i) and 1001.952(a)(2)(vi)). *Respondents:* Businesses or other for-profit, small businesses; *Number of Respondents:* 720; *Frequency of Response:* once; *Average Burden per Response:* 2 hours; *Estimated Burden:* 1440 hours.

OMB Desk Officer: Allison Eydt.

Copies of the information collection packages listed above can be obtained by calling the OS Reports Clearance Officer on (202) 619-0511. Written comments and recommendations for the proposed information collection should be sent directly to the OMB desk officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, room 3208, Washington, DC 20503.

Dated: February 3, 1993.

Dennis Williams,  
Deputy Assistant Secretary, Budget.  
[FR Doc. 93-3132 Filed 2-11-93; 8:45 am]  
BILLING CODE 4150-04-M

#### Agency Forms Submitted to the Office of Management and Budget for Clearance

On Fridays, the Department of Health and Human Services, Office of the Secretary publishes a list of information collections it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). The following are those information collections recently submitted to OMB.

**1. Pretest of the Survey of Homeless Persons Who Use Services (HPWUS—Provider Survey)**—This pretest is for the first phase of a project to gather information on the characteristics of homeless persons who use services. This phase will develop a comprehensive list of service providers in the survey sample areas. From this list, a sample of providers will be selected for inclusion in the survey. *Respondents:* state or local governments; non-profit institutions, small businesses. **Burden Information for the Government Contacts for Providers Questionnaire**—*Number of Respondents:* 35; *Frequency of Response:* once; *Average Burden per Response:* 5 minutes; *Estimated Burden:* 3 hours—**Burden Information for the Local Facilities Contacts Questionnaire**—*Number of Respondents:* 125; *Frequency of Response:* once; *Average Burden per Response:* 60 minutes; *Estimated Burden:* 125 hours—**Burden Information for the Service Provider Questionnaire**—*Number of Respondents:* 12; *Frequency of Response:* once; *Average Burden per Response:* 30 minutes; *Estimated Burden:* 6 hours—*Total Burden Estimate:* 134 hours.

OMB Desk Officer: Allison Eydt.  
Copies of the information collection packages listed above can be obtained by calling the OS Reports Clearance

Officer on (202) 619-0511. Written comments and recommendations for the proposed information collection should be sent directly to the OMB desk officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, room 3208, Washington, DC 20503.

Dated: February 3, 1993.

Dennis Williams,  
Deputy Assistant Secretary, Budget.  
[FR Doc. 93-3131 Filed 2-11-93; 8:45 am]  
BILLING CODE 4150-04-M

#### Annual Update of the HHS Poverty Guidelines

AGENCY: Office of the Secretary, HHS.  
ACTION: Notice.

**SUMMARY:** This notice provides an update of the HHS poverty guidelines to account for last (calendar) year's increase in prices as measured by the Consumer Price Index.

**EFFECTIVE DATE:** These guidelines go into effect on the day they are published (unless an office administering a program using the guidelines specifies a different effective date for that particular program).

**ADDRESSES:** Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services (HHS), Washington, DC 20201.

**FOR FURTHER INFORMATION CONTACT:** For information about how the poverty guidelines are used in a particular program, contact the Federal (or other) office which is responsible for that program.

For general information about the poverty guidelines (but not for information about how they are used in a particular program), contact Joan Turek-Brezina or Gordon Fisher, Office of the Assistant Secretary for Planning and Evaluation, HHS—telephone: (202) 690-6141.

For information about the Hill-Burton Uncompensated Services Program (no-fee or reduced-fee health care services at certain hospitals and other health care facilities for certain persons unable to pay for such care), contact the Office of the Director, Division of Facilities Compliance, HHS—telephone: (301) 443-5656. The Division of Facilities Compliance notes that as set by 42 CFR 124.505(b), the effective date of this update of the poverty guidelines for facilities obligated under the Hill-Burton Uncompensated Services Program is sixty days from the date of this publication.

For information about the poverty dollar figures that area agencies on

aging should use to determine "greatest economic need" for Administration on Aging programs, contact Donald Fowles, Administration on Aging, HHS—telephone: (202) 619-2614. (Area agencies on aging should not use the figures in this notice for that purpose.)

For information about the Department of Labor's Lower Living Standard Income Level (an alternative eligibility criterion with the poverty guidelines for certain Job Training Partnership Act programs), contact Hugh Davies, Office of Employment and Training Programs, U.S. Department of Labor—telephone: (202) 219-5580.

For information about the number of persons in poverty or about the Census Bureau (statistical) poverty thresholds, contact Kathleen Short, Chief, Poverty and Wealth Statistics Branch, U.S. Bureau of the Census—telephone: (301) 763-8578.

#### 1993 POVERTY GUIDELINES FOR ALL STATES (EXCEPT ALASKA AND HAWAII) AND THE DISTRICT OF COLUMBIA

Size of family unit	Poverty guideline
1	\$6,970
2	9,430
3	11,890
4	14,350
5	16,810
6	19,270
7	21,730
8	24,190

For family units with more than 8 members, add \$2,460 for each additional member. (The same increment applies to smaller family sizes also, as can be seen in the figures above.)

#### 1993 POVERTY GUIDELINES FOR ALASKA

Size of family unit	Poverty guideline
1	\$8,700
2	11,780
3	14,860
4	17,940
5	21,020
6	24,100
7	27,180
8	30,260

For family units with more than 8 members, add \$3,080 for each additional member. (The same increment applies to smaller family sizes also, as can be seen in the figures above.)

#### 1993 POVERTY GUIDELINES FOR HAWAII

Size of family unit	Poverty guideline
1	\$8,040
2	10,860

#### 1993 POVERTY GUIDELINES FOR HAWAII—Continued

Size of family unit	Poverty guideline
3	13,680
4	16,500
5	19,320
6	22,140
7	24,960
8	27,780

For family units with more than 8 members, add \$2,820 for each additional member. (The same increment applies to smaller family sizes also, as can be seen in the figures above.)

The preceding figures are the 1993 update of the poverty guidelines required by sections 652 and 673(2) of the Omnibus Budget Reconciliation Act (OBRA) of 1981 (Pub.L. 97-35). As required by law, this update reflects last year's change in the Consumer Price Index (CPI-U); it was done using the same procedure used in previous years.

Section 673(2) of OBRA-1981 (42 U.S.C. 9902(2)) requires the use of the poverty guidelines as an eligibility criterion for the Community Services Block Grant program, while section 652 (42 U.S.C. 9847) requires the use of the poverty guidelines as an eligibility criterion for the Head Start program. The poverty guidelines are also used as an eligibility criterion by a number of other Federal programs (both HHS and non-HHS). When such programs give an OBRA-1981 citation for the poverty guidelines, they cite section 673(2).

The poverty guidelines are a simplified version of the Federal Government's statistical poverty thresholds used by the Bureau of the Census to prepare its statistical estimates of the number of persons and families in poverty. The poverty guidelines issued by the Department of Health and Human Services are used for administrative purposes—for instance, for determining whether a person or family is financially eligible for assistance or services under a particular Federal program. The poverty thresholds are used primarily for statistical purposes. Since the poverty guidelines in this notice—the 1993 guidelines—reflect price changes through calendar year 1992, they are approximately equal to the poverty thresholds for calendar year 1992 which the Census Bureau will publish in late summer 1993.

In certain cases, as noted in the relevant authorizing legislation or program regulations, a program uses the poverty guidelines as only one of several eligibility criteria, or uses a percentage multiple of the guidelines

(for example, 130 percent or 185 percent of the guidelines). Some other programs, while not using the guidelines to exclude non-lower-income persons as ineligible, use them for the purpose of giving priority to lower-income persons or families in the provision of assistance or services. In some cases, these poverty guidelines may not become effective for a particular program until a regulation or notice specifically applying to the program in question has been issued.

The poverty guidelines given above should be used for both farm and nonfarm families. Similarly, these guidelines should be used for both aged and non-aged units. The poverty guidelines have never had an aged/non-aged distinction; only the Census Bureau (statistical) poverty thresholds have separate figures for aged and non-aged one-person and two-person units.

#### Definitions

There is no single administrative definition of "income," "family," "family unit," or "household" that is valid for all programs that use the poverty guidelines. Federal programs may use administrative definitions that differ somewhat from the statistical definitions given below; the Federal office which administers a program has the responsibility for making decisions about administrative definitions. Similarly, non-Federal organizations which use the poverty guidelines in non-Federally-funded activities may use administrative definitions that differ from the statistical definitions given below. In either case, to find out the precise definitions used by a particular program, one must consult the office or organization administering the program in question. The following statistical definitions (derived for the most part from language used in U.S. Bureau of the Census, Current Population Reports, Series P-60, No. 181 and earlier reports in the same series) are made available for illustrative purposes only.

(a) *Family*. A family is a group of two or more persons related by birth, marriage, or adoption who live together; all such related persons are considered as members of one family. For instance, if an older married couple, their daughter and her husband and two children, and the older couple's nephew all lived in the same house or apartment, they would all be considered members of a single family.

(b) *Unrelated individual*. An unrelated individual is a person 15 years old or over (other than an inmate of an institution) who is not living with any relatives. An unrelated individual may be the only person living in a house or apartment, or may be living in a

house or apartment (or in group quarters such as a rooming house) in which one or more persons also live who are not related to the individual in question by birth, marriage, or adoption. Examples of unrelated individuals residing with others include a lodger, a foster child, a ward, or an employee.

(c) *Household*. As defined by the Bureau of the Census for statistical purposes, a household consists of all the persons who occupy a housing unit (house or apartment), whether they are related to each other or not. If a family and an unrelated individual, or two unrelated individuals, are living in the same housing unit, they would constitute two family units (see next item), but only one household. Some programs, such as the food stamp program and the Low-Income Home Energy Assistance Program, employ administrative variations of the "household" concept in determining income eligibility. A number of other programs use administrative variations of the "family" concept in determining income eligibility. Depending on the precise program definition used, programs using a "family" concept would generally apply the poverty guidelines separately to each family and/or unrelated individual within a household if the household includes more than one family and/or unrelated individual.

(d) *Family unit*. "Family unit" is not an official U.S. Bureau of the Census term, although it has been used in the poverty guidelines **Federal Register** notice since 1978. As used here, either an unrelated individual or a family (as defined above) constitutes a family unit. In other words, a family unit of size one is an unrelated individual, while a family unit of two/three/etc. is the same as a family of two/three/etc.

(e) *Income*. Programs which use the poverty guidelines in determining eligibility may use administrative definitions of "income" (or "countable income") which differ from the statistical definition given below. Note that for administrative purposes, in many cases, income data for a part of a year may be annualized in order to determine eligibility—for instance, by multiplying by four the amount of income received during the most recent three months.

For statistical purposes—to determine official income and poverty statistics—the Bureau of the Census defines income to include total annual cash receipts before taxes from all sources, with the exceptions noted below. Income includes money wages and salaries before any deductions; net receipts from nonfarm self-employment

(receipts from a person's own unincorporated business, professional enterprise, or partnership, after deductions for business expenses); net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses); regular payments from social security, railroad retirement, unemployment compensation, strike benefits from union funds, workers' compensation, veterans' payments, public assistance (including Aid to Families with Dependent Children, Supplemental Security Income, Emergency Assistance money payments, and non-Federally-funded General Assistance or General Relief money payments), and training stipends; alimony, child support, and military family allotments or other regular support from an absent family member or someone not living in the household; private pensions, government employee pensions (including military retirement pay), and regular insurance or annuity payments; college or university scholarships, grants, fellowships, and assistantships; and dividends, interest, net rental income, net royalties, periodic receipts from estates or trusts, and net gambling or lottery winnings.

For official statistical purposes, income does not include the following types of money received: capital gains; any assets drawn down as withdrawals from a bank, the sale of property, a house, or a car; tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury. Also excluded are noncash benefits, such as the employer-paid or union-paid portion of health insurance or other employee fringe benefits, food or housing received in lieu of wages, the value of food and fuel produced and consumed on farms, the imputed value of rent from owner-occupied nonfarm or farm housing, and such Federal noncash benefit programs as Medicare, Medicaid, food stamps, school lunches, and housing assistance.

Dated: February 8, 1993.

**Donna E. Shalala,**  
Secretary of Health and Human Services.  
[FR Doc. 93-3365 Filed 2-11-93; 8:45 am]  
BILLING CODE 4160-15-P

#### Food and Drug Administration

[Docket No. 92F-0504]

#### Ciba-Geigy Corp.; Filing of Food Additive Petition

**AGENCY:** Food and Drug Administration, HHS.

#### ACTION: Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that Ciba-Geigy Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of perfluoroalkyl substituted phosphate ester acids, ammonium salts formed by the reaction of 2,2-bis[( $\alpha,\omega$ -perfluoro $C_{4-20}$  alkylthio)methyl]-1,3-propanediol, polyphosphoric acids (CAS Reg. No. 8017-16-1) and ammonium hydroxide as an oil and water repellent for paper and paperboard intended for use in contact with food.

**FOR FURTHER INFORMATION CONTACT:** Richard H. White, Center for Food Safety and Applied Nutrition (HFS-216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9511.

**SUPPLEMENTARY INFORMATION:** Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3B4353) has been filed by Ciba-Geigy Corp., P.O. Box 18300, Greensboro, NC 27419-8300. The petition proposes to amend the food additive regulations in § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) to provide for the safe use of perfluoroalkyl substituted phosphate ester acids, ammonium salts formed by the reaction of 2,2-bis[( $\alpha,\omega$ -perfluoro $C_{4-20}$  alkylthio)methyl]-1,3-propanediol, polyphosphoric acids (CAS Reg. No. 8017-16-1) and ammonium hydroxide as an oil and water repellent for paper and paperboard intended for use in contact with food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: January 26, 1993.

**Jerry Burke,**  
Acting Director, Center for Food Safety and Applied Nutrition.  
[FR Doc. 93-3333 Filed 2-11-93; 8:45 am]  
BILLING CODE 4160-01-F

[Docket No. 92F-0443]

**Dow Corning Corp.; Filing of Food Additive Petition**

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that Dow Corning Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of dimethylpolysiloxane coatings produced by cross-linking a vinyl-containing dimethylpolysiloxane with methylhydrogen-containing polysiloxane and dimethylmethylhydrogen polysiloxane polymers using a platinum catalyst. It also proposes that the regulations be amended to provide for the safe use of 3,5-dimethyl-1-hexyne-3-ol, 1-ethynylcyclohexene, bis(methoxymethyl)ethyl maleate and methylvinyl cyclosiloxane as optional polymerization inhibitors. Additionally, the petition is proposing that the regulations be amended to provide for the safe use of 5-chloro-2-methyl-4-isothiazolin-3-one and 2-methyl-4-isothiazolin-3-one mixture, optionally containing magnesium nitrate, as an antimicrobial agent for emulsion-based silicone coating formulations.

**FOR FURTHER INFORMATION CONTACT:**

Julius Smith, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9500.

**SUPPLEMENTARY INFORMATION:** Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3B4346) has been filed by Dow Corning Corp., P.O. Box 994, Midland, MI 48686-0994. The petition proposes to amend the food additive regulations in § 175.300 *Resinous and polymeric coatings* (21 CFR 175.300), § 175.320 *Resinous and polymeric coatings for polyolefin films* (21 CFR 175.320), and § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) to provide for the safe use of dimethylpolysiloxane coatings produced by cross-linking a vinyl-containing dimethylpolysiloxane with methylhydrogen-containing polysiloxane and dimethylmethylhydrogen polysiloxane polymers using a platinum catalyst. It also proposes that the regulations be amended to provide for the safe use of 3,5-dimethyl-1-hexyne-3-ol, 1-ethynylcyclohexene, bis(methoxymethyl)ethyl maleate and methylvinyl cyclosiloxane as optional

polymerization inhibitors. Additionally, the petition is proposing that the regulations be amended to provide for the safe use of 5-chloro-2-methyl-4-isothiazolin-3-one and 2-methyl-4-isothiazolin-3-one mixture, optionally containing magnesium nitrate, as an antimicrobial agent for emulsion-based silicone coating formulations.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the *Federal Register* in accordance with 21 CFR 25.40(c).

Dated: January 29, 1993.

**Fred R. Shank,**

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 93-3328 Filed 2-11-93; 8:45 am]

BILLING CODE 4160-01-F

[Docket No. 91F-0021]

**Hoechst Celanese Corp.; Withdrawal of Food Additive Petition**

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the withdrawal, without prejudice to a future filing, of a food additive petition (FAP 1B4242) proposing that the food additive regulations be amended to provide for the safe use of 4-[[[4-(aminocarbonyl)phenyl]amino]carbonyl]-2-methoxyphenyl]azo]-N-(5-chloro-2,4-dimethoxyphenyl)-3-hydroxy-2-naphthalenecarboxamide (C.I. Pigment Red 187) as a colorant for olefin polymers intended for use in contact with food.

**FOR FURTHER INFORMATION CONTACT:**

Helen R. Thorsheim, Center for Food Safety and Applied Nutrition (HFS-216), 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 February 13, 1991 (56 FR 5834), FDA announced that a food additive petition (FAP 1B4242) had been filed by Hoechst Celanese Corp., 500 Washington St., Coventry, RI 02816. This petition proposed that § 178.3297 *Colorants for polymers* (21 CFR 178.3297) be amended to provide for the safe use of 4-[[[4-(aminocarbonyl)

phenyl]amino]carbonyl]-2-methoxyphenyl]azo]-N-(5-chloro-2,4-dimethoxyphenyl)-3-hydroxy-2-naphthalenecarboxamide (C.I. Pigment Red 187) as a colorant for olefin polymers intended for use in contact with food. In the notice, the compound was inadvertently referred to as C.I. Pigment 187 rather than the correct name of C.I. Pigment Red 187. Hoechst Celanese Corp., has now withdrawn the petition without prejudice to a future filing (21 CFR 171.7).

Dated: January 26, 1993.

**Jerry Burke,**

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 93-3334 Filed 2-11-93; 8:45 am]

BILLING CODE 4160-01-F

[Docket No. 92F-0493]

**Showa Denko K. K.; Filing of Food Additive Petition**

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that Showa Denko K. K. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of ethylene-maleic anhydride copolymers containing no more than 2 percent by weight of polymer units derived from maleic anhydride in contact with food at temperatures not to exceed 49 °C (120 °F).

**FOR FURTHER INFORMATION CONTACT:**

Edward J. Machuga, Center for Food Safety and Applied Nutrition (HFS-216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9528.

**SUPPLEMENTARY INFORMATION:** Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3B4351) has been filed by Showa Denko K. K., Tokyo, Japan, c/o Center for Regulatory Services, 2347 Paddock Lane, Reston, VA 22091. The petition proposes to amend the food additive regulations in 21 CFR part 177 *Indirect Food Additives: Polymers* by adding a new section to provide for the safe use of ethylene-maleic anhydride copolymers containing no more than 2 percent by weight of polymer units derived from maleic anhydride in contact with food at temperatures not to exceed 49 °C (120 °F).

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental