

FRIDAY DECEMBER 5, 1986

§ 1301.24 Specific exemptions.

(d) The TVA system OIG Investigative Records is exempt from subsections (c)(3); (d); (e)(1), (4)(G), (4)(H), (4)(I); and (f), of section 3 of the Act and corresponding sections of these rules pursuant to section 3(k)(2) of the Act (5 U.S.C. 552a (k)(2)). This system is exempted because application of these provisions might alert investigation subjects to the existence or scope of investigations, disclose investigative techniques or procedures, reduce the cooperativeness of witnesses, or otherwise impair investigations.

[FR Doc. 86-27221 Filed 12-4-86; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES
Food and Drug Administration
21 CFR Part 700

[Docket No. 85N-0536]

Cosmetics; Proposed Ban on the Use of Methylene Chloride as an Ingredient of Cosmetic Products; Reopening of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Food and Drug Administration (FDA) is reopening the comment period for 30 days on its proposal to ban the use of methylene chloride in cosmetic products to provide an opportunity for interested parties to submit comments on four new studies, which were recently submitted to FDA, concerning comparative pharmacokinetics, metabolism, and genotoxicity of methylene chloride.

DATE: Comments by January 5, 1987.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Terry C. Troxell, Center for Food Safety and Applied Nutrition (HFF-312), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-485-0180.

SUPPLEMENTARY INFORMATION: In the Federal Register of December 18, 1985 (50 FR 51551), FDA issued a proposed rule that would ban the use of methylene chloride as an ingredient of cosmetic products. The agency proposed this action because scientific studies demonstrated that inhalation of

methylene chloride causes cancer in laboratory animals. The agency's risk assessment, based on studies in mice, indicated that continued use of methylene chloride in cosmetic products may pose a significant risk to the public health, especially to specific segments of the population that are continually exposed to cosmetics containing methylene chloride.

In the preamble to the proposal to ban the use of methylene chloride in cosmetics, FDA announced its assessment of the safety of methylene chloride for its food additive use in decaffeinating coffee beans. Based on its assessment, the agency did not propose to lower the maximum permitted residue level of methylene chloride in decaffeinated coffee because that level is considered safe. As a result of requests for additional time to prepare comments on the use of methylene chloride for decaffeination, the agency extended the comment period for 45 days for all interested persons to submit comments regarding the agency's assessment of the safety of methylene chloride for its food additive use as a decaffeinating agent (February 24, 1986; 51 FR 6494).

On October 10, 1986, the agency received four new toxicology studies on methylene chloride that were sponsored by the European Council of Chemical Manufacturers' Federation (CEFIC). The four studies are entitled: (1) Methylene Chloride: In Vivo Inhalation Pharmacokinetics and Metabolism in F344 Rats and B₆C₃F₁ mice; (2) Methylene Chloride: In Vitro Metabolism in Rat, Mouse, Hamster Liver and Lung Fractions, and in Human Liver Fractions; (3) Methylene Chloride: Induction of S-Phase Hepatocytes in the Mouse after in Vivo Exposure; and (4) Methylene Chloride: An Evaluation in the Mouse Micronucleus Test.

The sponsor of these studies contends that the agency should revise its assessment of the safety of using methylene chloride as an ingredient in cosmetics and as a decaffeinating agent for coffee based on results of these studies. Because these new studies were submitted to the agency well after the close of the comment period, other interested persons have not had an opportunity to present their views on these data. Therefore, the agency is reopening the comment period for 30 days to permit interested persons to submit comments on these four toxicology studies and their relevance to the safety assessment of methylene chloride and on any other relevant new toxicology data.

Interested persons may obtain single copies of these studies from the Dockets

Management Branch (address above) by requesting CEFIC submission dated October 3, 1986; report number 3, filed under the docket number found in brackets in the heading of this document.

Interested persons may, on or before January 5, 1987, submit to the Dockets Management Branch (address above) written comments regarding the four cited toxicology studies on methylene chloride. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: November 28, 1986.

John M. Taylor,
Associate Commissioner for Regulatory Affairs.

[FR Doc. 86-27321 Filed 12-4-86; 8:45 am]

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DEPARTMENT OF THE INTERIOR
Bureau of Indian Affairs
25 CFR Part 118
Judgment Funds, Shoshone Tribe of the Wind River Reservation, WY

October 15, 1986.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule; removal.

SUMMARY: The judgment funds for the Shoshone Tribe of the Wind River Reservation, Wyoming have been depleted through payment to tribal members. Since there are no funds left to be distributed, there is no further need for this rule. Part 118 is removed in its entirety. This removal will not have an adverse effect on any ongoing program.

DATE: Comments must be received by February 3, 1987.

ADDRESS: Comments should be sent to Woodrow W. Hopper, Jr., Chief, Division of Management Research and Evaluation, Bureau of Indian Affairs, 1951 Constitution Avenue, NW., Washington, DC 20245, telephone number (202) 343-1942.

FOR FURTHER INFORMATION CONTACT: Woodrow W. Hopper, Jr. at (202) 343-1942 (FTS 343-1942).

SUPPLEMENTARY INFORMATION: The Act of June 25, 1938, provided for an appropriation for payment of judgment

funds to members of the Shoshone Tribe of the Wind River Reservation in Wyoming who were living on July 27, 1939. A roll prepared listing these members was the basis for the distribution of the judgment fund. Bureau of Indian Affairs' records indicate that the judgment funds for the Shoshone Tribe of the Wind River Reservation in Wyoming have been depleted. Since there are no funds left to distribute, removal of this part is necessary because Part 118 has become obsolete.

List of Subjects in 25 CFR Part 118

Indians-claims, Indians-judgment funds.

PART 118—[REMOVED]

Accordingly, for the reasons set out above, 25 CFR Part 118 is proposed to be removed and reserved.

Ronald L. Esquerra,

Deputy to the Assistant Secretary—Indian Affairs (Operations).

[FR Doc. 86-27312 Filed 12-4-86; 8:45 am]

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POSTAL SERVICE

39 CFR Part 111.

Identification of Bulk Third-Class Mail Bearing References to Expedited Handling or Delivery

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: The purpose of this proposal is to deal with disruptions in postal operations caused primarily by some third-class bulk mail bearing unauthorized or misleading references to expedited handling or delivery, or special services. These references cause postal employees to spend extra time examining this mail to determine its proper disposition. The proposed change to postal regulations is expected to assist postal employees to make this examination more expeditiously and with less operational disruption.

DATE: Comments must be received on or before January 4, 1987.

ADDRESS: Written comments should be mailed or delivered to the Director, Office of Classification and Rates Administration, U.S. Postal Service, Room 8430, 475 L'Enfant Plaza, West SW., Washington, DC 20260-5360. Copies of all written comments will be available for inspection and photocopying between 9:00 a.m. and 4:00

p.m., Monday through Friday, in Room 8430 at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Edmund J. Wronski, (202) 268-5320.

SUPPLEMENTARY INFORMATION: There are a growing number of reports from post offices that postal operations have been disrupted by envelopes which bear unauthorized or misleading references to expedited handling or delivery, or special services. These envelopes are primarily sent as third-class mail. Such envelopes frequently are designed to look like waybills, airbills, invoices, or containers used by private courier services. They are also characterized by the use of words and markings such as RUSH, DO NOT DELAY, PRIORITY, URGENT, EXPRESS, OVERNIGHT, EXPEDITE, et cetera.

At manual distribution and delivery units, this type of mail may cause employees to stop their routine duties in order to more closely examine the piece. Often other postal employees are interrupted from their duties and are asked to inspect the mail. When employees remain uncertain about how to handle the piece, or pieces, the mail will be referred to a supervisor for a proper determination. If one cannot immediately be made, the mail will be referred to mailing requirements offices, Rates and Classification Centers, or the Office of Classification and Rates Administration for a ruling. Mail of this type may be erroneously referred to the Computerized Forwarding System, and some of the mail is even inappropriately forwarded.

Since the Postal Service is a labor intensive organization, such disruptions nationwide add to postal costs. Such additional costs must be unfairly absorbed by individuals and other mail users including those who send First-Class Mail and other third-class mailers who do not use envelopes of this type in their own mailing campaigns.

Before this *Federal Register* notice, the Postal Service planned to introduce more stringent requirements on mail bearing expedited references. After meeting with representatives from the mailing industry, it was decided that the rule printed below be proposed and that an informational program be disseminated to postal employees on the proper handling of this type of mail. As a result of these measures, the Postal Service anticipates a reduction in the type of problem described, thus making additional requirements unnecessary.

Therefore, in order to help postal employees make a quick determination of the class of mail and the postage rate

which has been paid, the Postal Service proposes to amend its regulations pertaining to the preparation of permit imprints. The proposed regulation will be applicable only to bulk third-class mail bearing references to expedited handling or delivery. By calling attention to the class of mail, we anticipate that the permit imprints on such mail will make it less likely that the mail will be mishandled.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b),(c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed amendment of the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

1. The authority citation for 39 CFR Part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 404, 407, 408, 3001-3011, 3201-3219, 3403-3406, 3621, 5001.

2. In 145.3, insert ".31 General" preceding the text and add new .32 reading as follows:

145.3 Preparation of permit imprints.

* * * * *

.32 Bulk Third-Class Mail Bearing References to Expedited Handling or Delivery

With the exception of post card size mail and imprints placed on address labels, permit imprints on bulk third-class mail bearing references to expedited handling or delivery (such as PRIORITY, EXPRESS, OVERNIGHT, et cetera), must be prepared as follows:

a. Mailers must show the words "Bulk Rate" or "Non Profit Org." in boldface print or in letters that are larger than any others used in the permit imprint.

b. Mailers must leave a clear space of not less than 3/8 of an inch around the entire permit imprint.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

Paul J. Kemp,

Supervisory Attorney, Legislative Division.

[FR Doc. 86-27307 Filed 12-4-86; 8:45 am]

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