

11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "ADDRESSES" at the location identified.

This is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review by only the Courts of Appeals of the United States or the United States Court of Appeals of the District of Columbia.

Issued in Kansas City, Missouri, on October 29, 1982.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 82-30648 Filed 11-10-82; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 385

[Regulation OR-201; Organization Reg. Amendment No. 128 to Part 385]

Delegations and Review of Action Under Delegation; Nonhearing Matters

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is amending its delegations of authority to the Director, Bureau of Domestic Aviation, to remove obsolete provisions, to place existing provisions in continuous order, and to make editorial changes. These changes are to update and clarify the CAB's delegation to the Director, Bureau of Domestic Aviation.

DATES:

Adopted: November 4, 1982.

Effective: November 10, 1982.

FOR FURTHER INFORMATION CONTACT:

Joseph A. Brooks, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: Under the Board's delegation of authority to its staff in 14 CFR Part 385, § 385.13 grants continuing delegations of authority to the Director, Bureau of Domestic

Aviation. A number of those delegations to the Director are obsolete, including some that have become so with the end of certain of the Board's authority with respect to designating points on domestic certificates on December 31, 1981.

This rule updates the delegations to the Director to take into account recent changes in the law and the Board's regulations. It puts the delegations in more logical order and removes those no longer needed. No new delegations have been added.

Former § 385.13(p), concerning section 412 agreements, is revised to include "requests for discussion authority" as provided by the Airline Deregulation Act. This paragraph is expanded to include "foreign air carriers" as provided by the International Air Transportation Competition Act.

Former § 385.13(q), concerning interlocking relationships, is changed to allow the Director to grant exemptions to "any person," not just air carriers, as authorized by the Airline Deregulation Act.

In former § 385.13(r), relating to consolidations, mergers, and acquisitions, the reference to the merger standard in section 408 of the Act is changed to show the revision made by the Airline Deregulation Act.

The Director, BDA, has had delegated authority to act on filings under section 412, such as inter-carrier agreements and requests for discussion authority. The Board is modifying this delegation by requiring coordination with the Director, BIA, for those matters affecting operations predominantly in foreign air transportation.

Because this is a rule of agency organization and procedure, the Board finds notice and public procedure unnecessary and finds good cause to make the rule effective upon publication in the Federal Register.

PART 385—[AMENDED]

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 385, *Delegations and Review of Action under Delegation; Nonhearing Matters*, as follows:

1. The authority for 14 CFR Part 385 is:

Authority: Sec. 102, 204, 401, 402, 403, 407, 416, Pub. L. 85-726, as amended, 72 Stat. 740, 743, 754, 757, 758, 766, 771; 49 U.S.C. 1302, 1324, 1371, 1372, 1373, 1377, 1386; Reorganization Plan No. 3 of 1961, 26 FR 5989.

2. Section 385.13 is revised to read:

§ 385.13 Delegation to the Director, Bureau of Domestic Aviation.

The Board delegates to the Director, Bureau of Domestic Aviation, the authority to:

(a)(1) Approve or deny applications of certificated route air carriers for exemptions to perform single flights, other than those in foreign air transportation, outside the authority contained in their certificates. This authority may not be redelegated.

(2) Approve, when no person disclosing a substantial interest protests, or deny applications of certificated route air carriers for exemptions to perform any other operation prohibited by a term, condition, or limitation in a certificate, except operations predominantly in foreign air transportation. This authority may not be redelegated.

(b)(1) Approve or deny applications of direct air carriers for exemptions from section 401 of the Act and from applicable regulations under this chapter, except exemptions relating to operations that are predominantly in foreign air transportation, where the course of action is clear under current Board policies.

(2) Grant or deny requests for exemption from section 403 of the Act, where grant or denial of the request is in conjunction with and incident to requests for authority under paragraph (b)(1) of this section.

(c) Issue orders designating points as eligible or ineligible in accordance with section 419(b) of the Act and § 325.5 of this chapter.

(d) Issue determinations of the essential air service levels of eligible points under § 325.5 of this chapter and section 419 of the Act.

(e) Approve or disapprove applications of air carriers for permission to do business in names other than those authorized pursuant to regulation or order of the Board.

(f) With respect to provisions for terminations, suspensions, or reductions of service under Part 323 of this chapter:

(1) Require any person who files a notice, objection, or answer to supply additional information;

(2) Require service of a notice, objection, or answer upon any person;

(3) Accept late-filed objections or answers, upon motion, for good cause shown; and

(4) Extend the time for filing objections or answers, when the initial notice has been filed earlier than required under § 323.5.

(g) With respect to section 412 contracts, agreements, or requests for discussion authority, and after coordination with the Director, Bureau of International Aviation, for those filings under section 412 relating to operations predominantly in foreign air transportation:

(1) Approve contracts, agreements, or requests for discussion authority, or modifications, terminations, or cancellations of them, filed under section 412 of the Act, except:

(i) Those that are concerned with the establishment of rates, fares, or charges; or

(ii) Those that are protested by a person disclosing a substantial interest and that are concerned with (A) standardization of equipment; (B) schedules; (C) substantial limitations on competition; or (D) interchange or equipment and "Trackage rights"; or

(iii) Those that are protested by a person disclosing a substantial interest and that are industry-wide or substantially industry-wide in effect, other than those for which there are clear Board precedents, or that do not involve substantial questions of policy.

(2) Disapprove contracts, agreements, or requests for discussion authority, or modifications, terminations, or cancellations of them, filed by air carriers under section 412 of the Act, except those involving the establishment of rates, fares, or charges.

(3) Terminate matters relating to contracts, agreements (except those concerning rates, fares, or charges), or requests for discussion authority that, prior to review of them, have expired, been terminated, or been superseded.

(h) With respect to interlocking relationships: (1) grant or deny applications for approval of interlocking relationships filed under section 409 of the Act; (2) grant or deny applications for exemption from section 409 of the Act; (3) dismiss applications for approval or exemptions of interlocking relationships where the termination of the interlocking relationship in question has been effected.

(i) Extend the term of a carrier's subsidy rate established under section 419 of the Act, with the amount paid during the extension subject to adjustment by the Board.

(j) With respect to consolidations, mergers, purchases, leases, operating contracts, and acquisitions of control:

(1) Grant or deny applications for exemption from section 408 of the Act;

(2) Grant or deny pursuant to section 408(b)(2) of the Act applications for approval of transactions that are found not to affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, not to result in anticompetitive effects, and that are not outweighed by countervailing considerations in the public interest; and

(3) Approve or deny wet leases where approval or denial of the request under section 408 of the Act is in accordance with Board precedent.

(k) Waive the provisions of § 377.10(c) of this chapter with respect to the time for filing applications for the renewal of temporary authorizations, except temporary authorizations to perform operations that are predominantly in foreign air transportation, so as to permit their filing within shorter periods than required by that section when, in the Director's judgment, the public interest would be served, except that the interim extension provisions of § 377.10(d) of this chapter shall, if otherwise pertinent, apply to authorizations involved in applications filed pursuant to such waivers.

(l) With respect to applications filed under section 401 of the Act for authority to engage in interstate or overseas air transportation that are either accompanied by a petition for an order to show cause, or requests show-cause treatment or the use of expedited procedures under Subpart Q of Part 302 of this chapter, and can be handled by show-cause orders:

(1) Issue an order to show cause proposing to grant such application in those cases where no objections to the application have been filed, and the applicant has already been found fit, willing and able by the Board to provide service of the same basic scope and character;

(2) Issue an order stating the Board's intention to process the application through show-cause procedures; and

(3) Issue an order to make final an order to show cause issued under paragraph (e)(1) of this section, where no objections to the order to show cause have been filed.

(m) Grant or deny requests for waiver of Parts 207, 208, 212, 372, and 380 of this chapter, where grant or denial of the request is in accordance with established Board precedent.

(n) Approve or disapprove escrow agreements filed pursuant to §§ 207.17, 208.40, and 212.15, respectively, as security for customers' deposits made with such carriers and advance payment for charter flights.

(o) Reject or accept Public Charter prospectuses in accordance with § 380.25.

(p) Approve or deny applications of air carriers for exemptions from the provisions of section 405(b) of the Act and § 231.5(b) of Part 231 of this chapter, to the extent necessary to permit the filing of schedules pursuant to section 405(b) on less than ten (10) days' notice to the Postmaster General and to the Board, except when the operations are predominantly in foreign air transportation.

(q) Approve or deny applications for exemption from section 403 of the Act to

the extent necessary to permit performance of air carrier operations otherwise authorized by exemption, granted under subparagraphs (a)(1) and (a)(2) and paragraph (b) of this section. This authority may not be redelegated.

(r) Dismiss applications filed under §§ 302.1301-1315 and §§ 302.1401-1415, without prejudice to refile in amended form under the normal certificate procedure, if the application is not in compliance with the provisions of these sections.

(s) Grant or deny, in accordance with established Board precedent, applications for relief, under section 101(3) of the Act, to hold out, arrange, and coordinate the operation of air ambulance flights as indirect air carriers.

(t) Under section 410 of the Act, approve or disapprove in whole or in part, or make recommendations requested by any Federal agency with respect to, applications by air carriers for loans and other financial aid.

(u) When a work stoppage appears imminent, and during an actual work stoppage, approve or deny applications to provide substitute service in domestic and overseas markets during the work stoppage, made under section 416(b) of the Act for temporary exemptions from sections 401 and 403, and under section 417 for temporary operating authorizations. The exemption or authorization shall impose conditions as necessary to comply with Board precedent on emergency air transportation requirements. Such applications may be approved if it is shown that the proposed service will not interfere with scheduled passengers holding reservations, and that the proposed service is consistent with the policies set forth in Order 78-4-63, dated April 14, 1978. Exemptions and authorizations granted under this delegation shall be contingent upon the actual occurrence of a work stoppage and shall expire not later than 5 days after the affected carrier resumes normal service.

(v) With respect to an application under section 401 of the Act for a certificate to engage in interstate, overseas, and foreign scheduled air transportation or to engage in interstate, overseas, or foreign charter air transportation, issue an order instituting an investigation of the applicant's fitness and other issues related to the application, where no person has already filed an objection to the application and the investigation will be conducted by oral hearing procedures.

By the Civil Aeronautics Board:
Phyllis T. Kaylor,
Secretary.

[FR Doc. 82-30902 Filed 11-10-82; 8:45 am]
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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 74, 81, and 82

[Docket No. 82N-0307]

D&C Red No. 27 and D&C Red No. 28

Correction

In FR Doc. 82-26679 beginning on page 42566 in the issue of Tuesday, September 28, 1982, make the following changes:

1. On page 42567, third column, twentieth line from the top, "(Sec. 706(d)," should read "(Sec. 706(b),".

2. On page 42568, first column, § 74.1327(c), first line, "R&C" should read "D&C".

BILLING CODE 1505-01-M

21 CFR Part 176

[Docket No. 82F-0132]

Indirect Food Additives; Paper and Paperboard Components; Oxidized Soy Isolate

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of oxidized soy isolate as a binder-adhesive component of coatings for paper and paperboard intended for use in contact with dry food. This action is based on a petition filed by Ralston Purina Co.

DATES: Effective November 12, 1982; objections by December 13, 1982.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-82, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Julia L. Ho, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the *Federal Register* of June 11, 1982 (47 FR 25411), FDA announced that a food additive petition (FAP 2B3594) had been filed by Ralston Purina Co., Checkerboard Square, St. Louis, MO 63188, proposing that Part 176

(21 CFR Part 176) of the food additive regulations be amended to provide for the safe use of oxidized soy isolate as a binder-adhesive component of coatings for paper and paperboard intended to contact dry food.

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below.

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 Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in § 171.1(h)(2), the agency will remove from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously considered the potential environmental effects of this rule as announced in the notice of filing published in the *Federal Register*. No new information or comments have been received that would alter the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

List of Subjects in 21 CFR Part 176

Food additives, Food packaging, Paper and paperboard.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 176 is amended in § 176.180(b)(2) by inserting alphabetically a new item in the list of substances, to read as follows:

PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

§ 176.180 Components of paper and paperboard in contact with dry food.

List of substances	Limitations
(b) * * * *	
(2) * * * *	
Oxidized soy isolate having 50 to 70 percent of its cysteine residues oxidized to cysteic acid.	For use as a binder adhesive component of coatings.

Any person who will be adversely affected by the foregoing regulation may

at any time on or before December 13, 1982, submit to the Dockets Management Branch (address above), written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. 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 regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation becomes effective November 12, 1982.

(Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348))

Dated: November 3, 1982.

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

[FR Doc. 82-30897 Filed 11-10-82; 8:45 am]
BILLING CODE 4160-01-M

21 CFR Part 178

[Docket No. 81F-0160]

Indirect Food Additives; Adjuvants, Production Aids, and Sanitizers; Antioxidants and/or Stabilizers for Polymers; Amendment

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulation that provides for the safe use of phosphorous acid, cyclic neopentetetrayl bis(2, 4-di-tert-butylphenyl) ester, which may contain triisopropanolamine, as an antioxidant and/or stabilizer for high density polyethylene in contact with food. In response to a request from the manufacturer, FDA is changing the polyethylene density limitation from 0.940 to 0.94.

DATES: Effective November 12, 1982; objections by December 13, 1982.

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Bureau of Foods (HFF-334) Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: A final regulation was published in *Federal Register* of August 3, 1982 (47 FR 33492) that approved the use of phosphorous acid, cyclic neopentetetrayl bis(2, 4-di-*tert*-butylphenyl) ester placed a density limitation of 0.940 gm/cm³ on the polyethylene with which the antioxidant would be used. Subsequently the Borg-Warner Company requested that FDA change that limitation to 0.94 gm/cm³ to conform to a regulation on tris(2, 4-di-*tert*-butylphenyl) phosphite in § 178.2010(b). FDA has no objection to so changing the density limitation and is making that change.

The agency has previously considered the potential environmental effects of this rule as announced in a notice of filing published in the *Federal Register*. No new information or comments were received that would have altered the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging, Sanitizing solutions.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 178 is amended in § 178.2010 *Antioxidants and/or stabilizers for polymers*, in paragraph (b), for the item "Phosphorous acid, cyclic neopentetetrayl bis(2, 4-di-*tert*-butylphenyl ester," in the last sentence in the list of limitations by changing "0.940" to "0.94."

Any person who will be adversely affected by the foregoing regulation may at any time on or before December 13, 1982 submit to the Docket Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. 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 regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective November 12, 1982.

(Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348).)

Dated: November 4, 1982.

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

[FR Doc. 82-30896 Filed 11-10-82; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 178

[Docket No. 82F-0048]

Indirect Food Additives; Adjuvants, Production Aids, and Sanitizers; Lubricants With Incidental Food Contact; Triphenyl Phosphorothionate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of triphenyl phosphorothionate as an antiwear/extreme pressure additive in lubricants with incidental food contact. This action responds to a food additive petition filed by Ciba-Geigy Corp.

DATES: Effective November 12, 1982; objections by December 13, 1982.

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

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the *Federal Register*

of March 19, 1982 (47 FR 11972), FDA announced that a food additive petition (FAP 2B3621) had been filed by Ciba-Geigy Corp., Plastics and Additives Division, Hawthorne, NY 10532, proposing that § 178.3570 (21 CFR 178.3570) be amended to provide for the safe use of triphenyl phosphorothionate as an antiwear/extreme pressure additive in lubricants with incidental food contact.

FDA has evaluated data in the petition and other relevant material and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below.

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 Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in § 171.1(h)(2), the agency will remove from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and 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 this finding may be seen in the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging, Sanitizing solutions.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 178 is amended in § 178.3570(a)(3) by alphabetically adding a new item in the list of substances, to read as follows:

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

§ 178.3570 Lubricants with incidental food contact.

(a) * * *

(3) * * *