are fully guaranteed as to principal and interest by, the United States or any agency thereof that the bank is obligated to repurchase, by requiring that such repurchase agreements be either (a) in denominations of $100,000 or more or (b) in denominations of less than $100,000, mature in less than 90 days and not be automatically renewed or extended (44 FR 46264, August 7, 1979). By a grandfather provision in footnote 17a of Part 329, this rule on repurchase agreements was made inapplicable to any bank having such obligations in denominations of less than $100,000 with maturities of 90 days or more until August 1, 1982, provided that the aggregate amount of such obligations not exceed the bank's total of such obligations outstanding on August 1, 1979.

At the time of the August 1979 amendment, certain repurchase agreement programs were viewed as substitutes for time deposits that avoided interest rate ceilings. Numerous pertinent changes have occurred in the financial environment since August 1979. In March 1980, the Depository Institutions Deregulation Act was enacted, mandating the extinction of interest rate ceilings by March 31, 1986. Thus, supervisory concerns shifted from the curtailing of programs created to avoid interest-rate ceilings to greater emphasis upon promoting competition and eliminating those ceilings. During 1981, a greatly increasing number of banks began marketing repurchase agreements in denominations of less than $100,000. Federal and State supervisory agencies began issuing specific guidance on the issuance of these retail repurchase agreements ("retail repos"). The FDIC adopted a statement of policy on retail repurchase agreements on September 28, 1981 (46 FR 49197, October 6, 1981). Given these changes, extending the grandfather period to March 31, 1986 reduces the hardship to banks which established retail repo programs before the 1979 amendment. The competitive effects of this amendment should be minor and positive because few banks are affected, affected banks will not have to terminate existing established programs and develop new programs, and affected banks are limited to their August 1, 1979 aggregate levels for such offerings.

Alternatives to this amendment that were considered are (1) creating an exception to the rule for individual banks on a case by case basis, (2) completely revising § 329.10(b)(2) to its pre-1979 status, and (3) taking no amendatory action. The adopted action is preferable to the first alternative because it treats a previously-recognized class of banks uniformly. The second alternative is impracticable in that it goes beyond the immediate issue, which requires timely action. The third alternative would result in undue hardship to affected banks and their customers.

This rule relieves a restriction and does not entail additional expense to any affected bank. To subject final issuance of this rule to a 60-day or even a 30-day comment period would preclude timely issuance of a final rule with unnecessary disruption to the offering of financial services by affected banks to bank customers. Therefore, FDIC for good cause finds that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest. Because this amendment is issued as a final rule rather than as a proposed rule, the Regulatory Flexibility Act (5 U.S.C. §§ 601 *et seq.*) is not applicable. This rule does not entail any reporting or recordkeeping requirements; thus, the Paperwork Reduction Act of 1980 (44 U.S.C. §§ 3501 *et seq.*) is not applicable.

List of Subjects in 12 CFR Part 329

Banks, banking.

For the reasons set forth in the preamble, 12 CFR Part 329 is amended by revising footnote 17a, which refers to section 329.10(b)(2), to read as follows:

PART 329—INTEREST ON DEPOSITS

1. The authority citation for Part 329 reads as follows:

Authority: Secs. 9 and 18, Pub. L. 797, 64 Stat. 881, 891 (12 U.S.C. 1819 and 1828); sec. 303, Pub. L. 96-221, 94 Stat. 146 (12 U.S.C. 1832).

§ 329.10 [Amended]

2. In Part 329, footnote 17a to paragraph 329.10(b)(2) is revised to read as follows:

[17a] A bank with obligations in denominations of less than $100,000 with maturities of 90 days or more that evidence an indebtedness arising from a transfer of direct obligations of, or obligations that are fully guaranteed as to principal and interest by the United States or any agency thereof that the bank is obligated to repurchase, may continue to issue such obligations until March 31, 1986, without regard to this subsection so long as the aggregate amount does not exceed its total of such obligations outstanding on August 1, 1979. Such obligations are subject to the FDIC's Statement of Policy on Retail Repurchase Agreements (BL-71-81, October 2, 1981).

By Order of the Board of Directors, June 21, 1982.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Acting Executive Secretary.

[FR Doc. 82-17476 Filed 6-28-82; 8:45 am]

BILLING CODE 6714-01-M

FARM CREDIT ADMINISTRATION

12 CFR Parts 611 and 614

Organization, Loan Policies and Operations

Correction

In FR Doc. 82-16973 appearing at page 27060 in the issue of Wednesday, June 23, 1982, the Farm Credit Administration adopted "regulations authorizing the incorporation of service organizations to perform services for or on behalf of Farm Credit system banks, and clarifying the delegations of supervisory and loanmaking authority by System banks." These regulations amended 12 CFR Parts 611 and 614. As submitted to the Office of the Federal Register, the document stated an effective date of July 22, 1982. That effective date was inadvertently omitted from the published text.

Therefore FR Doc. 82-16973 is corrected by inserting the following date immediately following the "Summary" paragraph on page 27060:

"EFFECTIVE DATE: July 22, 1982."

BILLING CODE 1505-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 385

[Reg. OR-198; Amdt. No. 125]

Delegations and Review of Action Under Delegation; Nonhearing Matters

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is changing its delegations of authority to eliminate a reference to another rule that has been removed. The Chief, Data Systems Management Division, Office of the Comptroller, has delegated authority to release confidential commuter origin and destination data. Since those data are no longer confidential, the delegation is removed.

DATES: Effective: June 29, 1982. Adopted: June 23, 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: In the Board's rules delegating authority to its staff, in 14 CFR 385.28(c), the Chief, Data Systems Management Division, Office of the Comptroller, has authority to release confidential commuter origin and destination data filed on Schedule T–1 of CAB Form 298–C. By ER–1148 (44 FR 51797, September 5, 1979), the Board eliminated the limited period of confidential treatment that had been given to commuter origin and destination data under 14 CFR 298.62. The Board stated that public policy favors disclosure of those data filed with the Board, and that since the same data are released for certificated carriers, confidential treatment could lead to an unfair competitive advantage.

Because those data are no longer kept confidential, there is no longer a need for delegated authority to the staff to release them. Section 385.28(c) is therefore removed.

Because this rule is about agency organization and procedure, removing a delegation of authority no longer needed, and failure to do so could cause public confusion, the Board finds for good cause that notice and public procedure are not necessary and that the rule may become effective less than 30 days after publication in the **Federal Register.**

List of Subjects in 14 CFR Part 385

Administrative practice and procedure, Authority delegation.

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

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 Part 385 is:

Authority: Secs. 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.

§ 385.28 [Amended]

2. Paragraph (c) of § 385.28 is removed and reserved.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82–17542 Filed 6–28–82; 8:45 am]

BILLING CODE 6320–01–M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 140

Regulation Concerning Conduct of Members and Employees and Former Members and Employees of the Commission

Correction

In FR Doc. 82–16781, appearing at page 26810 in the issue for Tuesday, June 22, 1982, please make the following corrections.

The footnotes appearing on pages 26815 through 26817 are incorrectly numbered:

(1) On page 26815, in the middle column, the text and reference to footnote 20 should be numbered 11.

(2) On page 26816, in the second and third columns the text and references to footnotes 21, 22, 23, 24, 25, and 26 should be renumbered 18, 19, 20, 21, 22, and 23 respectively.

(3) On page 26817, in the first column, the text and references to footnotes 27 and 28 should be renumbered 24 and 25.

BILLING CODE 1505–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 173

[Docket No. 76G–0117]

Secondary Direct Food Additives Permitted in Food for Human Consumption; Esterase-Lipase Enzyme Derived From Mucor Miehei

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 esterase-lipase enzyme derived from nonpathogenic strains of *Mucor miehei* var. *Cooney et Emerson* as an aid in curing and developing flavor in the following foods: Cheese substitutes, imitation cheeses, edible oils (including shortening and margarine), natural cheeses, and milk products, provided that any relevant standards of identities permit such use. This action is in response to a petition filed by Travenol Laboratories, Inc. GB Fermentation Industries has subsequently assumed sponsorship of the petition.

DATES: Effective June 29, 1982; objections by July 29, 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: John W. Gordon, Bureau of Foods (HFF–355), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202–426–5487.

SUPPLEMENTARY INFORMATION: Under the procedures established in § 170.35 (21 CFR 170.35), Travenol Laboratories, Inc., Deerfield, IL 60015, submitted a petition (GRASP 6G0067) requesting affirmation that esterase-lipase enzyme derived from nonpathogenic strains of *Mucor miehei* var. *Cooney et Emerson* is generally recognized as safe for use as an aid in curing and developing flavor in the following foods: natural cheese, cheese substitutes, imitation cheeses, edible oils (including shortening and margarine), and milk products. FDA published a notice of filing in the **Federal Register** of May 7, 1976 (41 FR 18898), and offered interested persons an opportunity to review the petition and to submit comments to the Dockets Management Branch (address above). Subsequently, GB Fermentation Industries, Des Plaines, IL 60016, assumed sponsorship of the petition.

Esterase-lipase enzyme preparations are derived from nonpathogenic strains of *Mucor miehei* var. *Cooney et Emerson.* The enzyme is produced simultaneously with the milk-clotting enzyme used in the production of cheeses by a submerged pure culture fermentation. However, the milk-clotting enzyme is derived from the culture supernatant, whereas the esterase-lipase is derived from the microbial cells. The esterase-lipase is isolated by washing the cells with alkaline buffer (pH 10.5–11), concentrating the eluted enzyme and spray drying the product in the presence of a carrier (maltodextrin or sweet whey). The enzyme enhances the flavor of certain foods by catalyzing limited hydrolysis of the triglycerides in the product.

After Travenol Laboratories, Inc., submitted its GRAS affirmation petition, FDA placed it on file at the Dockets Management Branch as required under § 170.35 (21 CFR 170.35). The agency received one comment in response to the notice of filing.

The comment disagreed with a statement in the petition indicating that microbial rennet, derived from *Mucor miehei* and approved as a food additive under 21 CFR 173.150(a)(4), contains the esterase-lipase enzyme. According to the comment, microbial rennet contains

no esterase-lipase enzyme in any form. Thus, the comment contended that FDA should not use previous safety studies on microbial rennet to evaluate the safety of esterase-lipase enzyme, because the studies are not relevant. The comment contended that esterase-lipase enzyme, derived from *Mucor miehei*, is a new food additive whose safety must be demonstrated by toxicological studies on that enzyme system.

FDA has reviewed the petition, the data submitted in support of that petition, and the comment. The data demonstrate that the microbial rennet preparation does not contain active esterase-lipase enzyme, but does contain some inactive enzyme. Because the enzyme is inactive, studies that demonstrate the safety of microbial rennet do not adequately establish the safety of active esterase-lipase enzyme. Subsequently, after the petition was filed, the petitioner submitted two 90-day animal feeding studies and a reproductive study on active esterase-lipase enzyme. FDA concludes that these studies adequately demonstrate the safety of esterase-lipase enzyme.

After evaluating the information contained in the petition, FDA concludes that esterase-lipase enzyme cannot be considered GRAS based upon its common use in food before January 1, 1958. The agency also concludes that there are inadequate published studies or other information available to the scientific community to document that it is generally recognized as safe based on scientific procedures.

Thus, in accordance with §§ 170.35(b)(4) (21 CFR 170.35(b)(4)) and 170.38 (21 CFR 170.38), the agency has determined that the requested use of esterase-lipase enzyme cannot be considered GRAS based upon either common use in food or scientific procedures and the enzyme is a food additive subject to section 409 of the act (21 U.S.C. 348). FDA notified the petitioner of this conclusion and the firm agreed that esterase-lipase enzyme be evaluated as a food additive rather than as a GRAS ingredient.

FDA has evaluated data in the petition and other relevant material regarding the use of esterase-lipase as an aid in curing and developing flavor in the listed products and concludes that the food additive produces the intended technical effects and is safe under the proposed conditions of use. The agency is therefore amending the food additive regulations to provide for the requested uses, subject to restrictions imposed by relevant standards of identity.

Federal standards of identity for certain cheese and cheese products do not currently list microbial enzymes for use in curing and developing flavor in cheeses (21 CFR Part 133), or for use as a flavor modifier in dry whole milk (21 CFR 131.147) and margarine (21 CFR Part 166).

Note.—FDA proposed in the Federal Register of September 19, 1978 (43 FR 42127) to amend certain cheese standards to permit the use of microbial enzymes for clotting milk or for developing flavor, but to date the agency has not published final regulations. Unless and until these standards are amended by formal final action, microbial enzymes may not be used in curing such standardized cheeses as an aid in developing their flavor. The standards of identity for dry whole milk (§ 131.147) and margarine (Part 166) would also have to be amended to permit esterase-lipase use in these products.

There are no standards of identity for edible oils, shortening, imitation cheeses, and cheese substitutes. Consequently, this regulation will provide for this use with no limitation other than current good manufacturing practice. In addition, esterse-lipase is a safe and suitable enzyme for the production of enzyme modified cheese. The standards of identity for certain pasteurized processed cheese permit such a use (21 CFR Part 133).

FDA 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 therefore will not be prepared. The agency's findings of no significant impact and the evidence supporting this finding, contained in a statement of exemption under 21 CFR 25.1(f)(1)(iv), may be seen in the Dockets Management Branch.

List of Subject Terms in 21 CFR Part 173

Food additives, Food processing aids.

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 173 is amended in Subpart B by adding new § 173.140, to read as follows:

PART 173—SECONDARY DIRECT FOOD ADDITIVES PERMITTED IN FOOD FOR HUMAN CONSUMPTION

§173.140 Esterase-lipase derived from Mucor miehei.

Esterase-lipase enzyme, consisting of enzyme derived from *Mucor miehei* var. *Cooney et Emerson* by a pure culture fermentation process, with sweet whey as a carrier, may be safely used in food in accordance with the following conditions:

(a) *Mucor miehei* var. *Cooney et Emerson* is classified as follows: Class, Phycomycetes; subclass, Zygomycetes; order, Mucorales; family, Mucoraceae; genus, *Mucor;* species, *miehei;* variety *Cooney et Emerson.*

(b) The strain of *Mucor miehei* var. *Cooney et Emerson* is nonpathogenic and nontoxic in man or other animals.

(c) The enzyme is produced by a process which completely removes the organism *Mucor miehei* var. *Cooney et Emerson* from the esterase-lipase.

(d) The enzyme is used as a flavor enhancer as defined in § 170.3(o)(12).

(e) The enzyme is used at levels not to exceed current good manufacturing practice in the following food categories: cheeses as defined in § 170.3(n)(5) of this chapter; fat and oils as defined in § 170.(3)(n)(12) of this chapter; and milk products as defined in § 170.(3)(n)(31) of this chapter. Use of this food ingredient is limited to nonstandarized foods and those foods for which the relevant standards of identity permit such use.

(f) The enzyme is used in the minimum amount required to produce its limited technical effect.

Any person who will be adversely affected by the foregoing regulation may at any time on or before July 29, 1982, submit to the Dockets Management Branch, 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 June 29, 1982.

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

Dated: June 23, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-17501 Filed 6-28-82; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 3280, 3282 and 3283

[Docket No. R82-927]

Manufactured Home Construction and Safety Standards; Manufactured Home Procedural and Enforcement Regulations; and Manufactured Home Consumer Manual Requirements

AGENCY: Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This final rule makes changes necessitated by the 1980 amendments to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 *et seq.* The amendments changed the definition of mobile home and changed references in the Act from "mobile home" to "manufactured home."

EFFECTIVE DATE: August 11, 1982.

FOR FURTHER INFORMATION CONTACT: James C. McCollom, Acting Director, Manufactured Housing Standards Division, Room 3244, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. (202) 755-5210. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On August 7, 1981, the Department published in the **Federal Register** a proposed revision of 24 CFR Parts 3280, 3282 and 3283 (46 FR 40498). That proposed revision reflected changes made in the National Manufactured Housing Construction and Safety Standards Act of 1974 (the Act), 42 U.S.C. 5401 *et seq.*, by section 308 of the Housing and Community Development Act of 1980, Pub. L. 96-399. Approximately 20 comments were received. All comments were given careful consideration, and some were adopted in whole or in part as reflected in this publication.

Generally, portions of the proposed rule which were not commented on are not discussed.

Changes made in the proposed rule which are reflected in this final rule:

1. A number of commenters urged that bay windows not be included in measuring the length of a manufactured home to determine whether it is covered by the Act. In the final rule, bay windows are excluded from the measurements used to determine whether a structure is a "manufactured home."

2. The Department received numerous comments which were critical of the proposal to do away with the "recreational vehicle" exemption contained in the present regulations at § 3282.8(g). In the 1980 amendments to the Act, Congress altered the size dimensions contained in the definition of manufactured home so as to include units of 320 or more square feet. However, the conference report on the 1980 amendments directed the Secretary to consider differing, more flexible standards for smaller manufactured homes (such as park models) whose square footage is between 320 and 400 square feet and are designed to be frequently transported. In commenting on the proposed rule, several manufacturers of smaller units (those between 320 and 400 square feet) outlined the problems that they would face to bring their products in compliance with the Federal Manufactured Home and Construction Safety Standards. A trade association representing park model manufacturers specifically identified eighteen different standards that would be either difficult or impossible to meet.

The evident intent of Congress as expressed in the Conference Report, plus the comments received from manufacturers of small units, indicate that the entire body of the existing Standards should not be applied to park models or other units of less than 400 square feet. That, however, would be the result of an immediate elimination of the recreational vehicle exemption. The Secretary has concluded, therefore, that it is necessary to continue the exemption for recreational vehicles of more than 320 but less than 400 square feet until Standards specifically applicable to these units can be prescribed. The Department notes, in this connection, that a comprehensive revision of the existing Standards is now in progress and a proposed rule expected to be published this year. The Department intends to address the question of Standards appropriate for application to smaller units, including park models in the near future, possibly as part of the foregoing general revision.

In continuing the recreational vehicle exemption, certain changes have been made. The principal substantive changes are to limit the availability of the exemption to units of 400 square feet or less and to eliminate the requirement that in order for the unit to qualify for the exemption, the plumbing, heating, and electrical systems contained therein may be operated without connection to outside utilities. As revised, § 3282.8(g) will exempt structures from the requirements of the Act if they are (1) Built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Under this definition virtually all park models will continue to be exempt from the requirements of the Act, pending development of standards specifically applicable to such units.

Comments Which Were Rejected

1. Comment: In calculating the length or width of a manufactured home, the thickness of the exterior walls should not be considered.

Response: Before Congress amended the Act, all measurements to determine a unit's length and width were based on exterior dimensions. Nothing in the legislative history evidences a Congressional desire to alter this method of measuring. In fact a provision in the Senate version of the amendments, which specified that interior dimensions were to be used, was deleted from the final version. This indicates that Congress intended for the Department to continue to use exterior dimensions when calculating length and width of manufactured homes.

2. Comment: The definition of "manufactured home" should not include air conditioning within the systems to be connected to outside utilities.

Response: Air conditioning is included in the statutory definition of "manufactured home" and the Department does not have the power to change it. The commenter was apparently concerned that all manufactured homes would be required to have air conditioning. The definition of "manufactured home" does not require units to contain on-board air conditioning systems which may be connected to outside utilities. The definition merely defines any air conditioning, whether self-contained or not, as part of the manufactured home. As a result, HUD may set standards for the air-conditioning as well as for the plumbing, heating and electrical systems