Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

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

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

2. By adding the following new airworthiness directive:

Boeing: Applies to all Model 767 airplanes, certificated in any category, equipped with slide packboard Part Number 416T2003–14 or slide/raft packboard Part Number 416T2003–15. To ensure that the escape slide release mechanism operates properly, accomplish the following, unless already accomplished:

A. Accomplish the inspection, test, and modification procedures in accordance with Boeing Service Bulletin 767–25–A0071, dated September 27, 1985, or later FAA-approved revisions, as follows:

1. For packboards that have been in service over twenty-one months on the effective date of this AD, accomplish the inspection and modification within the next three months after the effective date of this AD.

2. For all other packboards, accomplish the inspection and modification prior to the accumulation of twenty-four months in service.

B. All packboards must meet the test requirements of Boeing Service Bulletin 767–25–A0071, Part III.C., Figure 1, circle Note 4, after modification. Packboards not meeting these requirements must not be placed in service.

C. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this proposal who have not already received the appropriate service document from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124–2207. This document may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective May 16, 1986.

Issued in Seattle, Washington, on April 1, 1986.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 86–7689 Filed 4–4–86; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 85–AGL–31]

Transition Area Revocation; Hettinger, ND

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this action is to revoke the transition area currently designated for Hettinger, North Dakota by returning the associated 700-foot area to a non-controlled status.

EFFECTIVE DATE: 0901 GMT, July 3, 1986.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL–530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694–7360.

SUPPLEMENTARY INFORMATION:

History

On Friday, January 31, 1986, the Federal Aviation Administration (FAA) proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revoke the transition area designated for Hettinger, North Dakota (51 FR 3988).

Interested parties were invited to participate in this rulemaking proceedings by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6B dated January 2, 1986.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations revokes the transition area currently designated for Hettinger, North Dakota and returns the associated 700-foot area to a non-controlled status. The controlling facility for the area has identified a requirement to retain the 1200-foot designated airspace for the area; therefore, the 1200-foot Hettinger, ND, transition area will be retained.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979; and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) proposes to amend Part 71 of the FAR (14 CFR Part 71) as follows:

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

2. By amending § 71.181 as follows:

Hettinger, North Dakota

That airspace extending upward from 1200 feet above the surface bounded on the north by V–2, on the east by V–169, on the south by V–120, and on the west by the Bowman, ND, 1200 foot transition area excluding the Bismarck, ND, 1200 foot transition area.

Issued in Des Plaines, Illinois, on March 24, 1986.

Kenneth C. Patterson,

Manager, Air Traffic Division.

[FR Doc. 86–7546 Filed 4–4–86; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 85–AGL–30]

Transition Area Revocation; New Town, ND

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this action is to revoke the transition area currently designated for New Town, North Dakota by returning the associated 700-foot area to a non-controlled status.

EFFECTIVE DATE: 0901 G.m.t., July 3, 1986.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION:

History

On Friday, January 31, 1986, the Federal Aviation Administration (FAA) proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revoke the transition area designated for New Town, North Dakota (51 FR 3989).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6B dated January 2, 1986.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations revokes the transition area currently designated for New Town, North Dakota and returns the associated 700-foot area to a non-controlled status. The controlling facility for the area has identified a requirement to retain the 1200-foot designated airspace for the area; therefore, the 1200-foot New Town, ND, transition area will be retained.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) proposes to amend Part 71 of the FAR (14 CFR Part 71) as follows:

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

2. By amending § 71.181 as follows:

New Town, North Dakota

That airspace extending upward from 1200 feet above the surface bounded on the east by the Minot, ND, 1200 foot transition area and long. 102°00'00"W., on the south and west by V-71, and on the north by V-430 excluding the Williston, ND, 1200 foot transition area.

Issued in Des Plaines, Illinois, on March 24, 1986.

Kenneth C. Patterson,

Manager, Air Traffic Division.

[FR Doc. 86-7547 Filed 4-4-86; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 2, 157, 284, and 389

[Docket No. RM83-31-000]

Emergency Natural Gas Sale, Transportation and Exchange Transactions; Order Changing Effective Date; Notice of OMB Control Number

Issued April 1, 1986.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order changing effective date; notice of OMB Control Number.

SUMMARY: On March 12, 1986, the Federal Energy Regulatory Commission (Commission) issued a final rule (Order No. 449) in Docket No. RM83-31-000, 51 FR 9179 (March 18, 1986), to revise its regulations relating to emergency natural gas transactions that are exempt from the restrictions and conditions of Order No. 436, 33 FERC ¶ 61,007 (1985), 50 FR 41408 (Oct. 18, 1985), and the certification requirements of section 7(c) of the Natural Gas Act, 15 U.S.C. 717f(c). This notice states the OMB control number for the reporting requirements in the revised emergency regulations, which are set forth in a new Subpart I to 18 CFR Part 284, and the Commission's decision to make the revised regulations effective immediately upon issuance of this notice.

EFFECTIVE DATE: The amendments in this document as well as the amendments published on March 18, 1986, in Order No. 449 (51 FR 9179) are effective April 1, 1986.

FOR FURTHER INFORMATION CONTACT: Jack O. Kendall, Office of the General Counsel, 825 North Capitol Street NW., Washington, DC 20426, (202) 357-8565.

SUPPLEMENTARY INFORMATION:

Order Changing Effective Date; Notice of OMB Control Number

Before Commissioners: Anthony G. Sousa, Acting Chairman; Charles G. Stalon, Charles A. Trabandt and C.M. Naeve.

Emergency Natural Gas Sales, Transportation, and Exchange Transactions; Docket No. RM83-31-000.

Issued April 1, 1986.

On March 12, 1986, the Federal Energy Regulatory Commission (Commission) issued a final rule (Order No. 449) in Docket No. RM83-31-000, 51 FR 9179 (March 18, 1986), to revise its regulations relating to emergency natural gas transactions that are exempt from the restrictions and conditions of Order No. 436, 33 FERC ¶ 61,007 (1985), 50 FR 41408 (October 18, 1985), and the certification requirements of section 7(c) of the Natural Gas Act, 15 U.S.C. 717f(c).

The Paperwork Reduction Act, 44 U.S.C. 3501-3520 (1982), and the Office of Management and Budget's (OMB) regulations, 5 CFR Part 1320 (1985), require that OMB approve certain information collection requirements imposed by agency rule. To allow adequate time to obtain necessary OMB approval prior to the effectiveness of the Commission's revised emergency natural gas transaction regulations, Order No. 449 provided that new Subpart I to Part 284 would not become effective until June 1, 1986 (*i.e.*, 75 days following publication in the **Federal Register**).

On March 26, 1986, OMB approved the information collection requirements of Subpart I of Part 284 and issued Control Number 1902-0144 for those requirements. The Commission now finds good cause to make the revised emergency regulations effective without further delay. The revised regulations provide natural gas suppliers with self-implementing authority to act

immediately to supply gas when necessary to protect life, health, or property. The new emergency procedures are designed to serve special, short-term purposes and should be implemented as soon as practicable. Also, the existing emergency regulations inadvertently subject suppliers that transport natural gas in emergencies to the restrictions and conditions of Order No. 436. Since the Commission intended that the emergency regulations not subject a transporter to the conditions imposed in Order No. 436, it is making the revised emergency regulations effective immediately. This will relieve suppliers of the Order No. 436 restrictions and conditions that might be construed as applying to the transportation of natural gas in emergency situations.

In view of the above considerations, the Commission is changing the previously scheduled effective date of Order No. 449 and is making this rule effective immediately, in accordance with section 553(d) of the Administrative Procedure Act, 5 U.S.C. 553(d) (1982).

In consideration of the foregoing, the Commission amends Parts 2, 157, 284, and 389 of Chapter I, Title 18 of the *Code of Federal Regulations* as set forth in Order No. 449 issued on March 12, 1986, and as set forth below, effective immediately.

List of Subjects

Natural gas.

By the Commission.

Lois D. Cashell,

Acting Secretary.

1. The amendments to Parts 2, 157, and 284 published on March 18, 1986 (51 FR 9179) are effective April 1, 1986.

PART 389—[AMENDED]

2. The authority citation for Part 389 continues to read as follows:

Authority: Paperwork Reduction Act of 1980, 44 U.S.C. 3501–3520 (1982).

§ 389.101 [Amended]

3. The Table of OMB Control Numbers in § 389.101(b) is amended by:

a. Removing "157.22" and "157.29" from the section column and "0060" and "0052" from the respective corresponding positions in the OMB Control Number column; and

b. By inserting "Part 284 Subpart I" in numerical order in the section column and "0144" in the corresponding position in the OMB Control Number columns.

[FR Doc. 86–7641 Filed 4–4–86; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Parts 404 and 416

Social Security Benefits and Supplemental Security Income; Introduction, General Provisions and Definitions

AGENCY: Social Security Administration, HHS.

ACTION: Final rule.

SUMMARY: These regulations are for the purpose of correcting certain definitions and cross-references in and otherwise updating Subparts A of Parts 404 and 416. Those Subparts A contain introductions, general information and definitions in regard to their respective parts. Certain explanations, definitions and cross-references have been rendered incorrect by recent recodifications and other amendments to Parts 404 and 416.

DATES: These rules are being issued as final regulations and they are effective on April 7, 1986. We will consider any comments concerning these rules that we receive on or before June 6, 1986, and will revise such rules if public comment warrants.

ADDRESSES: Comments should be submitted in writing to the Acting Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203, or delivered to the Office of Regulations, Social Security Administration, 3–B–4 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Dave Smith, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone 301–594–7460.

SUPPLEMENTARY INFORMATION: The purpose of these regulations is to correct technical inaccuracies now contained in Part 404, Subpart A and Part 416, Subpart A. Each of those Subparts introduces its respective parts and provides general information and definitions. Over the past several years Parts 404 and 416 have been frequently revised and as a result portions of Subpart A of those parts are technically inaccurate.

In Subpart A of Part 404, we have updated § 404.1 to describe the subject matter contained in each subpart; we have corrected certain definitions in § 404.2 and have eliminated others that were extraneous; and in § 404.3 we have corrected cross-references. In Subpart A of Part 416, we have updated § 416.101 to describe the subject matter contained in each subpart; in §§ 416.105 and 416.120(b) we have corrected certain definitions and designations; and in §§ 416.120(c), 416.120(d), and 416.121(d) we have corrected cross-references.

The Department generally follows the Notice of Proposed Rulemaking and public comment procedures specified in section 553(b)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(B)) in the development of its regulations. That act provides exceptions to its notice and public comment procedures when an agency finds there is good cause for dispensing with such procedures on the basis that they are impracticable, unnecessary, or contrary to the public interest. We have determined that under 5 U.S.C. 553(b)(B), good cause exists for waiver of proposed rulemaking and public comment procedures on this regulation because we are only making technical corrections which will not affect an individual's rights under either title II or title XVI and opportunity for prior public comment is unnecessary. Therefore, these rules are being issued as final rules and will become effective on the date they are published in the **Federal Register.**

Regulatory Procedures

Executive Order No. 12291

These regulations have been reviewed under Executive Order 12291 and do not meet any of the criteria for a major regulation. Therefore, a regulatory impact analysis is not required.

Paperwork Reduction Act of 1980

These regulations impose no additional reporting and recordkeeping requirements requiring OMB clearance.

Regulatory Flexibility Act

We certify that these regulations will not have a significant impact on substantial number of small entities because Subparts A of Parts 404 and 416 provided general introductory information, definitions, and an explanation of the regulations contained in the other subparts. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96–354, the Regulatory Flexibility Act, is not required.

(Catalog of Federal Domestic Assistance Program Nos. 13.802 Social Security-Disability Insurance; 13.803 Social Security-Retirement Insurance, 13.805 Social Security-Survivors Insurance; 13.807 Supplemental Security Income)

List of Subjects

20 CFR Part 404

Administrative practice and procedure, Death benefits, Disability benefits, Old-Age, Survivors and Disability Insurance.

20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disability benefits, Public assistance programs, Supplemental Security Income (SSI).

Dated: January 24, 1986.

Martha A. McSteen,

Acting Commissioner of Social Security.

Approved: February 28, 1986.

Otis R. Bowen, M.D.,

Secretary of Health and Human Services.

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. The title of Subpart A is revised to read as follows:

Subpart A—Introduction, General Provisions and Definitions

2. The authority citation for Subpart A is revised to read as follows:

Authority: Secs. 203, 205, 227, and 1102, of the Social Security Act, as amended; 53 Stat. 1367, 53 Stat. 1368, 79 Stat. 379, 49 Stat. 647; sec. 5, Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 403, 405, 427, and 1302, unless otherwise noted.

3. In § 404.1, the introductory text is revised, paragraphs (c), (j), (l), (p), and (q) are revised and new paragraphs (r), (s), (t), (u), and (v) are added to read as follows:

§ 404.1 Introduction.

The regulations in this Part 404 (Regulations No. 4 of the Social Security Administration) relate to the provisions of title II of the Social Security Act as amended on August 28, 1950, and as further amended thereafter. The regulations in this part are divided into 22 subparts:

* * * * *

(c) Subpart C relates to the computation and recomputation of the primary insurance amount

* * * * *

(j) Subpart J relates to initial determinations, the administrative review process, and reopening of determinations and decisions.

* * * * *

(l) Subpart L is revised.

* * * * *

(p) Subpart P relates to the determination of disability or blindness.

(q) Subpart Q relates to standards, requirements and procedures for States making determinations of disability for the Secretary. It also sets out the Secretary's responsibilities in carrying out the disability determination function.

(r) Subpart R relates to the provisions applicable to attorneys and other individuals who represent applicants in connection with claims for benefits.

(s) Subpart S relates to the payment of benefits to individuals who are entitled to benefits.

(t) Subpart T relates to the negotiation and administration of totalization agreements between the United States and foreign countries.

(u) Subpart U relates to the selection of a representative payee to receive benefits on behalf of a beneficiary and to the duties and responsibilities of a representative payee.

(v) Subpart V relates to payments to State vocational rehabilitative agencies (or alternate participants) for vocational rehabilitation services.

4. In § 404.2 paragraph (a)(1) is revised, paragraphs (a)(2) through (a)(13) are deleted, paragraphs (a)(14), (a)(15), (a)(16), (a)(17), (a)(18), and (a)(19) are redesignated as (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), and (a)(7) respectively, and paragraph (b)(1) is revised, paragraph (b)(3) is deleted and paragraph (b)(4) and (b)(5) are redesignated as (b)(3) and (b)(4) and revised to read as follows:

§ 404.2 General definitions and list of terms.

(a) *Terms relating to the Act and regulations.*

(1) "The Act" means the Social Security Act, as amended (42 U.S.C. Chapter 7).

* * * * *

(b) *Secretary; Commissioner; Appeals Council; Administrative Law Judge defined.*

(1) "Secretary" means the Secretary of Health and Human Services.

* * * * *

(3) "Appeals Council" means the Appeals Council of the Office of Hearings and Appeals in the Social Security Administration or such member or members thereof as may be designated by the Chairman.

(4) "Administrative Law Judge" means an Administrative Law Judge in the Office of Hearings and Appeals of the Social Security Administration.

§ 404.3 [Amended]

5. In § 404.3(c), the references in the last sentence are changed from § 404.607 and § 404.606 to § 404.621 and § 404.620, respectively.

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

Subpart A—Introduction, General Provisions and Definitions

1. The authority citation for Subpart A continues to read as follows:

Authority: Secs. 1102, 1611, 1616, 1618, 1619, 1631, and 1634, Social Security Act as amended, sec. 212 of Pub. L. 93-66, as amended; 49 Stat. 647 as amended, 86 Stat. 1466, 1474, 1475, and 1478, 90 Stat. 2901, 87 Stat. 155, and 94 Stat. 445 (42 U.S.C. 1302, 1382e, 1382g, 1383, 1383c, 1382h, 1386 and 1396), unless otherwise noted.

2. In § 416.101, paragraphs (j), (p), (r), and (s) are revised and a new paragraph (v), is added to read as follows:

§ 416.101 Introduction.

* * * * *

(j) Subpart J of this part sets forth the standards, requirements and procedures for States making determinations of disability for the Secretary. It also sets out the Secretary's responsibilities in carrying out the disability determination function.

* * * * *

(p) Subpart P of this part sets forth the residence and citizenship requirements that are pertinent to eligibility.

* * * * *

(r) Subpart R of this part sets forth the rules for determining marital and other family relationships where pertinent to the establishment of eligibility for or the amount of benefits payable.

(s) Subpart S of this part explains interim assistance and how benefits may be withheld to repay such assistance given by the State.

* * * * *

(v) Subpart V of this part explains when payments are made to State vocational rehabilitation agencies (or alternate participants) for vocational rehabilitation services.

3. Section 416.105 is revised to read as follows:

§ 416.105 Administration.

The Supplemental Security Income for the Aged, Blind, and Disabled program

is administered by the Social Security Administration under authority delegated by the Secretary of Health and Human Services.

4. In § 416.120, paragraph (b)(1) is revised, paragraph (b)(3) is deleted, paragraph (b)(4) is redesignated as (b)(3) and revised, and paragraphs (c)(6), (c)(7) and (c)(8) are revised to read as follows:

§ 416.120 General definitions and use of terms.

* * * * *

(b) *Secretary; Commissioner; Appeals Council; defined.* As used in this part:

(1) "Secretary" means the Secretary of Health and Human Services.

* * * * *

(3) "Appeals Council" means the Appeals Council of the Office of Hearings and Appeals in the Social Security Administration or such member or members thereof as may be designated by the Chairman.

(c) *Miscellaneous.* As used in this part unless otherwise indicated:

* * * * *

(6) "Institution" (see § 416.201).

(7) "Public institution" (see § 416.201).

(8) "Resident of a public institution" (see § 416.201).

* * * * *

§ 416.120 [Amended]

5. In § 416.120, paragraph (d) is amended by changing the reference at the end of the paragraph from § 416.300 to Subpart C of this part.

§ 416.121 [Amended]

6. In § 416.121, paragraph (d) is amended by changing the reference at the beginning of the paragraph from § 416.901(b) to § 416.907.

[FR Doc. 86-7679 Filed 4-4-86; 8:45 am]

BILLING CODE 4190-11-M

Food and Drug Administration

21 CFR Part 173

[Docket No. 85F-0023]

Secondary Direct Food Additives Permitted in Food for Human Consumption; Sorbitan Monooleate

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 sorbitan monooleate as an emulsifier in polymer preparations used to clarify cane and beet sugar juice and liquor. This action responds to a petition filed by Drew Chemical Corp.

DATES: Effective April 7, 1986; objections by May 7, 1986.

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 Gordon, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-426-5487.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of March 8, 1985 (50 FR 9521), FDA announced that a petition (FAP 5A3840) has been filed by Drew Chemical Corp., One Drew Chemical Plaza, Boonton, NJ 07005, proposing that the food additive regulations be amended to provide for the safe use of sorbitan monooleate as a direct additive to clarify cane and beet sugar juice and liquor.

Based on its review of the petition and other relevant data, the agency has concluded that the proposed use of sorbitan monooleate should be classified as a secondary direct additive. This classification is based on the petitioner's proposal to use this ingredient as an emulsifier in the production of polymer preparations that are used to clarify cane and beet sugar juice and liquor.

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

In addition, FDA is modifying the title of Subpart A of 21 CFR Part 173 to make clear that the agency will be listing adjuvants to polymers used in the treatment of food, as well as the polymers themselves, in that subpart.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

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 that finding may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. FDA's regulations implementing the National Environmental Policy Act (21 CFR Part 25) have been replaced by a rule published in the **Federal Register** of April 26, 1985 (50 FR 16636, effective July 25, 1985). Under the new rule, an action of this type would require an abbreviated environmental assessment under 21 CFR 25.31a(b)(5).

Any person who will be adversely affected by this regulation may at any time on or before May 7, 1986, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 173

Food additives.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Part 173 is amended as follows:

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

1. The authority citation for 21 CFR Part 173 continues to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

2. By revising the title of Subpart A and adding new § 173.75, to read as follows: