preempt state law regulating the same subject. Thus, in accordance with Executive Order 12612, it is determined that such regulations do not have federalism implications warranting the preparation of a Federalism Assessment.

Conclusion

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive 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 action 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/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it when filed, may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT**".

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) amends Part 39 of the Federal Aviation Administration (FAR) 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 to § 39.13 the following new airworthiness directive (AD):

Schweizer Aircraft Corp: Applies to models (including kit built) SGU 1-7; SGS 2-8 (TG-2); SGS 2-12 (TG-3); SGU 1-19; SGU 1-20; SGU 1-21; SGU 2-22, 2-22A, 2-22C, 2-22CK, 2-22E, 2-22EK; SGS 1-23, 1-23B, 1-23C, 1-23D, 1-23E, 1-23F, 1-23G, 1-23H, 1-23H15; SGS 1-24; SGS 1-26, 1-26A, 1-26B, 1-26C, 1-26D, 1-26E; SGS 2-32; SGS 2-33, 2-33A, 2-33AK; SGS 1-34, 1-34R; SGS 1-35C; SGS 1-36 (SPRITE) gliders, certificated in any category.

Compliance is required prior to the next flight after the effective date of this AD, unless already accomplished.

To prevent the possibility of the tow release assembly creating a jammed condition during towing and subsequent failure of the tow line to release, which could result in a forced landing, accomplish the following:

(a) Inspect the tow release installation to determine if any of the following release arms are installed:

P/N 1D217-13, 1D222-15, 1D222-17 or 34017D-15.

Note.—The above arms can be identified by a lug which is welded on the front face of the release arm as shown in Figure 1 of Schweizer Service Bulletin (SB) No. SA-005.1, dated January 31, 1988.

(b) Tow release installations which have any of the release arms listed in (a) must have the arms replaced in the following manner:

P/N 1D217-13 replace with 1D217-09
P/N 1D222-15 replace with 1D222-11
P/N 1D222-17 replace with 1D222-13
P/N 34017D-15 replace with 34017D-11

(c) Perform the operational check in accordance with Figure 4 in Schweizer SB No. SA-001.3, dated January 31, 1988, following release arm replacement.

(d) Upon request, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, New York Aircraft Certification Office, Federal Aviation Administration (FAA), New England Region, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581.

Schweizer Aircraft Corporation SB Nos. SA-005.1 and SA-001.3, both dated January 31, 1988, identified and described in this document, are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request from Schweizer Aircraft Corporation, P.O. Box 147, Elmira, New York 14902; telephone (607) 739-3821. These documents may also be examined at the Office of the Regional Counsel, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, Room 311, Docket No. 87-ANE-29, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays.

This amendment becomes effective on August 19, 1988, as to all persons except those persons to whom it was made immediately effective by individual priority letter AD 87-17-01, issued August 18, 1987, which contained this amendment.

Issued in Burlington, Massachusetts, on June 23, 1988.

Timothy P. Forte,

Acting Director, New England Region.

[FR Doc. 88-17630 Filed 8-4-88; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 73

[Airspace Docket No. 88-ASO-12]

Revocation of Restricted Area R-3701B, Fort Campbell, KY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revokes Restricted Area R-3701B Fort Campbell, KY. An FAA review of the utilization reports for R-3701B indicated that this area has not been activated for a prolonged period and, therefore, no longer needs the restricted designation. This action would return the airspace to general aviation use.

EFFECTIVE DATE: 0901 u.t.c., October 20, 1988.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9253.

The Rule

This amendment to Part 73 of the Federal Aviation Regulations revokes Restricted Area R-3701B For Campbell, KY. An FAA review of the utilization of R-3701B showed a history of inactivity for that area. The review findings indicate a lack of a valid requirement that would justify retention of this airspace. The Department of the Army concurs with this action. I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary because this action is a minor technical amendment in which the public would not be particularly interested. Section 73.37 of Part 73 of the Federal Aviation Regulations was republished in Handbook 7400.60 dated January 4, 1988.

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, therefor—(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, when promulgated, 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 73

Aviation safety, Restricted areas.

Adoption of The Amendment

Accordingly, pursuant to the authority delegated to me, Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is amended, as follows:

PART 73—SPECIAL USE AIRSPACE

1. The authority citation for Part 73 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510, 1522; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 73.37 [Amended]

2. Section 73.37 is amended as follows:

R–3701B Fort Campbell, KY [Removed]

Issued in Washington, DC, on July 28, 1988.

O. E. Falsetti,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 88–17631 Filed 8–4–88; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 12

[Docket No. 87N–0364]

Formal Evidentiary Public Hearing; Time Periods for Filing Exceptions to Initial Decisions and Replies to Exceptions

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending its regulations governing formal evidentiary public hearings to provide for a period of 60 days in which a party may file exceptions to an initial decision of the administrative law judge and to provide for a period of 60 days for filing replies to exceptions. FDA also revising these regulations to provide that the Commissioner of Food and Drugs (the Commissioner) will grant extensions of these 60-day periods only in extraordinary circumstances.

EFFECTIVE DATE: September 6, 1988.

FOR FURTHER INFORMATION CONTACT: Tenny P. Neprud, Jr., Division of Regulations Policy (HFC–220), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3480.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 1, 1988 (53 FR 2767), FDA issued a proposed rule to amend 21 CFR 12.125 of the agency's regulations governing formal evidentiary public hearings to provide a period of 60 days in which parties may file exceptions to the administrative law judge's initial decision and a period of 60 days in which parties may file replies to exceptions. FDA also proposed to provide that the Commissioner would grant extensions of the time for filing such exceptions or replies to exceptions only in extraordinary circumstances.

FDA provided a period of 60 days for interested persons to submit comments on the proposed rule. No comments were received. Accordingly, for the reasons given in the preamble to the proposed rule, FDA is adopting the rule with only minor clarifying changes.

The agency has determined under 21 CFR 25.24(a)(8) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

FDA has analyzed the economic impact of this rule in accordance with Executive Order 12291 and the Regulatory Flexibility Act (Pub. L. 96–354). The agency has determined that the rule is not a major rule as defined in Executive Order 12291 and certifies that the rule will not have a significant impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act.

List of Subjects in 21 CFR Part 12

Administrative practice and procedure.

Therefore, under the Federal Food, Drug, and Comestic Act and under authority delegated to the Commissioner of Food and Drugs, Part 12 is amended as follows:

PART 12—FORMAL EVIDENTIARY PUBLIC HEARING

1. The authority citation for 12 CFR Part 12 is revised to read as follows:

Authority: Sec. 201 *et seq.*, Pub. L. 717, 52 Stat. 1040 as amended (21 U.S.C. 321 *et seq.*); sec.1 *et seq.*, Pub. L. 410, 58 Stat. 682 as amended (42 U.S.C. 201 *et seq.*); sec. 4, Pub. L. 91–513, 84 Stat. 1241 (42 U.S.C. 257a); sec 301 *et seq.*, Pub. L. 91–513, 84 Stat. 1253 (21 U.SC. 821 *et seq.*); sec 409(b), Pub. L. 242, 81 Stat. 600 (21 U.S.C. 679(b)); sec. 14(b), Pub. L. 85–172, 82 Stat. 807 (21 U.S.C. 467f(b)); sec. 2 *et seq.*, Pub. L. 91–597, 84 Stat. 1620 (21 U.S.C. 1031 *et seq.*); secs. 1–9, Pub. L. 625, 44 Stat. 1101–1103 as amended (21 U.S.C. 141–149); secs. 1–10, Ch. 358, 29 Stat. 604–607 as amended (21 U.S.C. 41–50); sec. 2 *et seq.*, Pub. L. 783, 44 Stat. 1406 as amended (15 U.S.C. 401 *et seq.*); sec. 1 *et seq.*, Pub. L. 89–755, 80 Stat. 1296 as amended (15 U.S.C. 1451 *et seq.*).

2. Section 12.125 is amended by revising paragraphs (a), (c), and (d) to read as follows:

§ 12.125 Appeal from or review of initial decision.

(a) A participant may appeal an initial decision to the Commissioner by filing exceptions with the Dockets Management Branch, and serving them on the other participants, within 60 days of the date of the initial decision.

* * * * *

(c) Any reply to the exceptions is to be filed and served within 60 days of the end of the period for filing exceptions.

(d) The Commissioner may extend the time for filing exceptions under paragraph (a) of this section or replies to exceptions under paragraph (c) of this section only upon a showing by a participant of extraordinary circumstances. Such an extension shall be requested by filing a written request with the Commissioner's Executive Secretariat (HF–40) and serving copies of the request on the Dockets Management Branch (HFA–305), the Chief Counsel (GCF–1), and all hearing participants.

* * * * *

Dated: July 15, 1988.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 88–17708 Filed 8–4–88; 8:45 am]

BILLING CODE 4160–01–M

21 CFR Part 175

[Docket No. 87F–0384]

Indirect Food Additives: Adhesives and Components of Coatings

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 bis[benzoate-*O*)(2-propanolato)aluminum as a component of adhesives used in the manufacture of containers intended to contact food. This action responds to a petition filed by Kuraray Co., Ltd.

DATES: Effective August 5, 1988; objections and requests for a hearing by September 6, 1988.

ADDRESS: Written objections may be sent to the Dockets Management Branch (HFA–305), Food and Drug

Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Julius Smith, Center for Food Safety and Applied Nutrition (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of January 11, 1988 (53 FR 643), FDA announced data petition (FAP 7B4035) had been filed by Kuraray Co., Ltd., 12–39 Umeda, 1-Chome, Kita-Ku, Osaka, 530, Japan, proposing that the food additive regulations be amended to provide for the safe use of bis(benzoate-*O*)(2-propanolato)aluminum as a component of adhesives used in the manufacture of multilayer containers intended for food contact.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed use of the food additive is safe, and that 21 CFR 175.105 should be amended by alphabetically adding "bis(benzoate-*O*)(2-propanolato)aluminum (CAS Reg. No. 105442–85–1)" as a new entry in the table in paragraph (c)(5).

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 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. FDA 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, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. This action was considered under FDA's final rule implementing the National Environmental Policy Act (21 CFR Part 25).

Any person who will be adversely affected by this regulation may at any time on or before September 6, 1988, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularitly 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 175

Adhesives, Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, and redelegated to the Director of the Center for Food Safety and Applied Nutrition, Part 175 is amended as follows:

PART 175—INDIRECT FOOD ADDITIVES: ADHESIVES AND COMPONENTS OF COATINGS

1. The authority citation for 21 CFR Part 175 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. Section 175.105 is amended in paragraph (c)(5) by alphabetically adding a new entry in the table to read as follows:

§ 175.105 Adhesives.

* * * * *

(c) * * *

(5) * * *

Substances	Limitations
* * * * *	
Bis(benzoate-*O*)(2-propanolato)aluminum (CAS Reg. No. 105442–85–1)	For use only as a reactant in the preparation of polyester resins.
* * * * *	

Dated: July 26, 1988.

Fred R. Shank,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 88–17640 Filed 8–4–88; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 386

[DoD Directive 5133.1]

Assistant Secretary of Defense (International Security Policy)

AGENCY: Department of Defense.

ACTION: Final rule.

SUMMARY: This part adds 32 CFR Part 386 to identify the Assistant Secretary of Defense (International Security Policy) and delineates its responsibilities, functions, relationships, and authorities pursuant to the authority vested in the Secretary of Defense under 10 U.S.C. 136.

EFFECTIVE DATE: September 27, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. R. Furtner, Office of the Director of Administration and Management, the Pentagon, Washington, DC 20301–1950, telephone (202) 695–4281.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 386

Organization and function.

Accordingly, Title 32, Chapter 1, is amended to add Part 386 as follows:

PART 386—ASSISTANT SECRETARY OF DEFENSE (INTERNATIONAL SECURITY POLICY)

Sec.

Authority: 10 U.S.C. 136.

§ 386.1 Purpose.

This part:

(a) Establishes, pursuant to 10 U.S.C. 136, the position of Assistant Secretary of Defense (International Security Policy) (ASD(ISP)) under the direction, authority, and control of the Under Secretary of Defense for Policy (USD(P)).

(b) Assigns responsibilities, functions, relationships, and authorities, as