"Reference amount" in the first sentence is revised to read "First reference rate", and the term "reference amount" in the second sentence is revised to read "first reference rate" and place the new term in alphabetical order.

12. In § 540.102 the definition of "Second reference rate" is added to read as follows:

§ 540.102 Definitions.

* * * * *

Second reference rate means the sum of the minimum rate of the grade and two-thirds of the difference between the maximum and the minimum rate for that grade. In the General Schedule, the second reference rate equals the dollar amount of the seventh step of a General schedule grade, or in the case of a special rate range established under 5 U.S.C. 5303 and part 530 of this chapter, the seventh step of such special rate range.

* * * * *

13. In § 540.107, the table in paragraph (b) is revised to read as follows:

§ 540.107 Merit increases.

* * * * *

(b) * * *

MERIT INCREASES FOR EACH PERFORMANCE RATING LEVEL

Performance rating	Amount received if rate of basic pay does not equal or exceed the first reference rate	Amount received if rate of basic pay equals or exceeds the first reference rate but does not equal or exceed the second reference rate	Amount received if rate of basic pay equals or exceeds the second reference rate
Level 5	1 merit increase	1 merit increase	1 merit increase.
Level 4	1 merit increase	½ merit increase	⅓ merit increase.
Level 3 (fully successful)	1 merit increase	½ merit increase	⅓ merit increase.

* * * * *

[FR Doc. 89-27878 Filed 11-28-89; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 89-102]

19 CFR Part 101

Customs Regulations Amendment Relating to the Designation of Tucson, AZ, as Port of Entry

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations governing the Customs field organization by changing the designation of Tucson, Arizona, from a Customs station to a port of entry. Adoption of this proposal alters the relationship of the Customs operations at Tucson from that of a station under the supervision of a port to that of a port in the Nogales District. This redesignation is part of the efforts of Customs to improve the efficiency of its field operations.

EFFECTIVE DATE: November 29, 1989.

FOR FURTHER INFORMATION CONTACT: Linda Walfish, Office of Workforce Effectiveness and Development, Office of Inspection and Control (202) 566-9425.

SUPPLEMENTARY INFORMATION:

Background

As part of its ongoing effort to improve efficiency and service to the public, the Customs Service continually reviews its field service organization to assure that it best utilizes its resources. This review has identified the current relationship of the port of entry of Nogales and the Customs station of Tucson as one which is in need of modification.

While the status of Tucson as a Customs station was appropriate at the time it was established in 1963 (T.D. 55986), Tucson currently meets or exceeds the minimum criteria for the level of activity necessary for eligibility as a port of entry as identified in T.D. 82-371, amended by T.D. 86-14 and T.D. 87-65.

Comments

Notice of the proposed amendment was published in the **Federal Register** on May 8, 1989 (54 FR 19577). The three comments received favored Tucson, Arizona, becoming a port of entry.

Port Limits

The limits of the port of entry of Tucson, Arizona are: The city of Tucson, Arizona, including the Tucson International Airport.

Executive Order 12291 and Regulatory Flexibility Act

Because this document is related to agency management and organization, it is not subject to E.O. 12291. Accordingly, a regulatory impact analysis and the review prescribed by the E.O. are not required. Although Customs solicited public comments, no notice of proposed rulemaking was required pursuant to 5 U.S.C. 553(a)(2). Accordingly, this document is not subject to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq*).

Delayed Effective Date

Pursuant to the Administrative Procedure Act, 5 U.S.C. 553(d), a substantive rule is to be published not less than 30 days prior to its effective date. The statute provides, however, that this requirement may be waived where the agency finds good cause and publishes such finding with the rule, 5 U.S.C. 553(d)(3). Good cause exists for not delaying the effective date inasmuch as the establishment of a port in place of a station confers an economic benefit to the public.

Drafting Information

The principal author of this document was Michael Smith, Regulations and Disclosure Law Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 101

Customs duties and inspection, Organization and functions (Government agencies).

Amendments to the Regulations

Part 101, Customs Regulations (19 CFR part 101) is amended as set forth below:

PART 101—[AMENDED]

1. The authority citation for part 101 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 2, 66, 1202 (General Note 8, Harmonized Tariff Schedule of the United States), 1623, 1624.

§ 101.3 [Amended]

2. In § 101.3(b), in the Southwest Region, opposite "Nogales" under the heading "Name and Headquarters", insert "Tucson, including the territory

described in T.D 89–102", in alphabetical order, under the column headed "Ports of Entry".

§ 101.4 [Amended]

3. In § 101.4(c), remove "Nogales, Ariz." under the listing of districts, "Tucson," in the column listing Customs stations, and "Nogales" under ports having supervision.

Samuel H. Banks,

Acting Commissioner of Customs.

Approved: November 21, 1989.

Salvatore R. Martoche,

Assistant Secretary of the Treasury.

[FR Doc. 89–27876 Filed 11–28–89; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 177

[Docket No. 88F–0175]

Indirect Food Additives: Polymers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for an increase in the weight-percent of butene-1 in propylene/butene-1 copolymers for use in contact with food. This action is in response to a petition filed by Mitsui Petrochemical Industries, Ltd.

DATES: Effective November 29, 1989; written objections and requests for a hearing by December 29, 1989.

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

FOR FURTHER INFORMATION CONTACT: Richard H. White, 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 June 9, 1988 (53 FR 21728), FDA announced that a food additive petition (FAP 8B4081) has been filed by Mitsui Petrochemical Industries, Ltd., Kasumigaseki Bldg., P.O. Box 90, 2–5, Kasumigaseki 3-Chome, Chiyoda-KU, Tokyo 100, Japan, proposing that § 177.1520 *Olefin polymers* (21 CFR 177.1520) be amended to provide for an increase in the weight-percent of butene-1 in propylene/butene-1 copolymers for use in contact with food.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed food additive use is safe, and that § 177.1520 should be amended to provide for an increase in the weight-percent of butene-1 in propylene/butene-1 copolymers for use in contact with food as set forth below.

FDA has also made editorial changes appropriate to the changes made in this section. In § 177.1520(c), item 3.2 has been redesignated as item 3.2a and revised, and a new item 3.2b has been added to set forth the specifications for the new propylene/butene-1 copolymer. The text of paragraph (d)(7) has also been revised to facilitate future amendments of § 177.1520 that include melt flow index specifications.

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.

Any person who will be adversely affected by this regulation may at any time on or before December 29, 1989 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 177

Food additives, Food packaging, Incorporation by reference.

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, Center for Food Safety and Applied Nutrition, 21 CFR part 177 is amended as follows:

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

1. The authority citation for 21 CFR part 177 continues to read as follows:

Authority: Secs. 201, 402, 409, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 376).

2. Section 177.1520 is amended by redesignating paragraph (a)(3)(i)(*c*) as paragraph (a)(3)(i)(*c*)(*1*) and by adding new paragraph (a)(3)(i)(*c*)(*2*); in the table in paragraph (c) by redesignating item 3.2 as item 3.2a and revising it, by adding new item 3.2b; and by revising paragraph (d)(7) to read as follows:

§ 177.1520 Olefin polymers.

* * * * *

(a) * * *

(3) * * *

(i) * * *

(*c*) * * *

(*2*) Olefin basic copolymers manufactured by the catalytic copolymerization of propylene and butene-1 shall contain greater than 15 but not greater than 35 weight percent of polymer units derived from butene-1 with the remainder being propylene.

* * * * *

(c) *Specifications:*

Olefin polymers	Density	Melting point (MP) or softening point (SP) (*Degrees Centigrade*)	Maximum extractable fraction (expressed as percent by weight of polymer) in *N*-hexane at specified temperatures	Maximum soluble fraction (expressed as percent by weight of polymer) in xylene at specified temperatures
* * * * * * *				
3.2a Olefin copolymers described in paragraph (a)(3)(i) of this section; except olefin copolymers described in paragraph (a)(3)(i)(*c*)(*2*) of this section and listed in item 3.2b of this table for use in articles used for packing or holding food during cooking; except that olefin copolymers containing 89 to 95 percent ethylene with the remainder being 4-methyl-pentene-1 contacting food Types III, IVA, V, VIIA, and IX identified in § 176.170(c) of this chapter, Table 1, shall exceed 0.051 millimeter (mm) (0.002 inch (in)) in thickness when used under conditions of use A and shall not exceed 0.102 mm (0.004 in) in thickness when used under conditions of use B, C, D, E, and H described in § 176.170(c) of this chaper, Table 2.	0.85–1.00		2.6 percent at 50 °C.	Do.
3.2b Olefin copolymers described in paragraph (a)(3)(i)(*c*)(*2*) of this section have a melt flow index no greater than 10 grams per 10 minutes as determined by the method described in paragraph (d)(7) of this section, and the thickness of the finished polymer contacting food shall not exceed 0.025 mm (0.001 in). Additionally, optional adjuvants permitted for use in olefin copolymers complying with item 3.2a of this table may be used in the production of this copolymer.				Do.
* * * * * * *				

(d) * * *

(7) *Melt flow index*. The melt flow index of olefin polymers described below shall be determined by ASTM method D–1238–82, "Standard Test Method for Flow Rates of Thermoplastics by Extrusion Plastometer," which is incorporated by reference in accordance with 5 U.S.C. 552(a). The availability of this incorporation by reference is given in paragraph (d)(1) of this section. The olefin polymers and test conditions and procedures are as follows:

List of polymers	Conditions/ procedures
Olefin copolymers described in paragraph (a)(3)(i)(*c*)(*2*) of this section.	Condition L, procedure A.
Olefin copolymers described in paragraph (a)(3)(v) of this section.	Condition E, procedure A.

* * * * *

Dated: November 16, 1989.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 89–27874 Filed 11–28–89; 8:45 am]

BILLING CODE 4160–01–M

MARITIME ADMINISTRATION

46 CFR Part 382

[Docket No. R–107]

RIN 2133–AA43

Bulk and Packaged Preference Cargoes

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY: This rule establishes new administrative procedures and methodology for determining fair and reasonable rates for the carriage of dry and liquid bulk and packaged preference cargoes on United States commercial cargo vessels. This regulation requires operators to submit data on the operating and capital costs of their vessels. Based on this data, the Maritime Administration (MARAD) will calculate fair and reasonable guideline rates according to the method explained in the **SUPPLEMENTARY INFORMATION** Section of this notice.

DATE: This rule is effective January 1, 1990.

FOR FURTHER INFORMATION CONTACT: Arthur B. Sforza, Director, Office of Ship Operating Assistance, Maritime Administration, Washington, DC 20590, Tel (202) 366–2323.

SUPPLEMENTARY INFORMATION: Section 901(b)(1) of the Merchant Marine Act of 1936 (the Act), as amended (46 U.S.C. 1241(b)), requires that at least 50 percent of any equipment, materials or commodities purchased by the United States or for the account of any foreign nation without provision for reimbursement, or acquired as the result of funds or credits from the United States, shall be transported on privately owned U.S.-flag commercial vessels, to the extent that such vessels are available at fair and reasonable rates. In 1985, section 901 was amended to exclude certain programs from the application of cargo preference and to raise the U.S.-flag share to 75 percent on certain others, phased in over three years. Upon request, MARAD provides fair and reasonable guideline rates to shipper agencies. Section 901(b)(2) of the Act provides the authority for MARAD (by delegation from the Secretary of Transportation) to issue regulations governing the administration of section 901(b)(1).

Until recently, MARAD has used two separate methods for determining guideline rates for bulk cargoes carried by U.S.-flag bulk cargo vessels. For vessels built before 1955, guideline rates were calculated for vessel categories arranged by deadweight tonnage. Since there are only a few such vessels remaining in service, MARAD no longer calculates category rates. MARAD now calculates rates separately for all vessels.

There are no current procedures, except for parcel lots on liner vessels, for calculating guideline rates that are formalized in MARAD regulations, and there is no existing MARAD regulatory requirement that operators participating in the bulk cargo preference trades submit cost data to MARAD on an annual basis. Since accurate and verifiable cost data for all participating vessels are not available, MARAD has been unable to verify some cost data used in calculating guideline rates. For these reasons as well as those stated later in this discussion, MARAD believes there is a need to develop and formalize the guideline rate procedures and to require periodic submission of cost data.

In developing these procedures MARAD was guided by: (1) An opinion