

closing or mass layoff to affected workers or their representatives, to the State dislocated worker unit (see 29 U.S.C. 1661(b)(2)), and to the appropriate local government. 29 U.S.C. 2902 and 2903. Section 8(a) of the Act requires that the Secretary of Labor "prescribe such regulations as may be necessary to carry out this Act. Such regulations shall, at a minimum, include interpretative regulations describing the method by which employers may provide for appropriate service of notice as required by this Act." 29 U.S.C. 2107(a). Under section 11 of the Act, the authority to issue regulations for WARN became effective on August 4, 1988.

The Employment and Training Administration (ETA) of the Department of Labor (DOL or Department), on December 2, 1988, published an interim interpretative rule for WARN. 20 CFR Part 639, 53 FR 48884. The interim interpretative rule was to expire on April 1, 1989. 20 CFR 639.11, 53 FR at 48894. Comments on the interim interpretative rule were requested through January 31, 1989.

On December 5, 1989, ETA published a proposed rule to revise 20 CFR Part 639, which expected to be effective by April 1, 1989. 53 FR 49076. The comment period on the proposed rule was to end on February 3, 1989.

Substantial commentary was received from the business community, unions, members of Congress, trade associations, and other groups. The final rule has been postponed to respond to the interests and concerns of commenters regarding various aspects of WARN.

The expiration date on the interim interpretative rule is being extended, to allow for further consideration of comments and for publication of the final rule prior to the final rule's effective date. This is to allow employers, workers, and their representatives adequate time to study the provisions of the final rule before it takes effect.

#### Regulatory Impact

The interim interpretative rule interprets the provisions of the Worker Adjustment and Retraining Notification Act. It imposes no burden on employers or others; implementation flows from the Act itself. As it would not have the financial or other impact to make it a major rule, preparation of a regulatory impact analysis is unnecessary. See Executive Order No. 12291, 5 U.S.C. 601 note.

Insofar as is possible, however, DOL intends to perform an analysis of the impact of the Act, this interim

interpretative rule, and the final rule, to aid the General Accounting Office in its function of reporting to Congress on the Act.

The interim interpretative rule was not preceded by a general notice of proposed rulemaking. Therefore, it is not a "rule" as that term is defined in the Regulatory Flexibility Act. 5 U.S.C. 601(2).

#### List of Subjects in 20 CFR Part 639

Employment, Labor, Labor management relations, Labor unions, Penalties.

#### Interim Interpretative Rule

#### PART 639—[AMENDED]

Accordingly, Part 639 of Chapter V of Title 20, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 639 continues to read as follows:

Authority: 29 U.S.C. 2107(a).

#### § 639.11 [Amended]

2. Section 639.11 is amended by removing the term "April 1, 1989" and inserting in lieu thereof the term "April 18, 1989".

Signed at Washington, DC, this 29th day of March 1989.

Elizabeth Dole,  
Secretary of Labor.

[FR Doc. 89-7829 Filed 3-30-89; 8:45 am]

BILLING CODE 4510-30-M

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### Food and Drug Administration

#### 21 CFR Part 178

[Docket No. 89N-0039]

#### Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers; Technical Amendment

AGENCY: Food and Drug Administration.

ACTION: Final rule; technical amendment.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the food additive regulations to correct an error that was inadvertently introduced into § 178.1005 (21 CFR 178.1005) on December 20, 1985 (50 FR 51847). The agency is issuing this technical amendment to correct the error by providing for the safe use of hydrogen peroxide for sterilizing food-contact surfaces prepared from polycarbonate resins.

DATE: Effective March 31, 1989.

#### FOR FURTHER INFORMATION CONTACT:

George H. Pauli, Center for Food Safety and Applied Nutrition (HFF-330), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-472-5740.

**SUPPLEMENTARY INFORMATION:** In the Federal Register of November 15, 1985 (50 FR 47211), FDA issued a final rule amending 21 CFR 178.1005 to provide for the safe use of hydrogen peroxide for sterilizing food-contact surfaces prepared from polycarbonate resins. In the Federal Register of December 20, 1985 (50 FR 51847), FDA issued a final rule amending this same regulation to provide for the additional safe use of hydrogen peroxide for sterilizing food-contact surfaces prepared from polystyrene and rubber-modified polystyrene resins. In both rules the amendment was issued by reprinting the entire revised § 178.1005(e)(1). In the later case, however, the reference to polycarbonate resins was inadvertently omitted. As a result, the amendment of November 15, 1985, was never incorporated into 21 CFR 178.1005.

The agency is issuing this document to correct the error by amending § 178.1005(e)(1) to provide for the safe use of hydrogen peroxide for sterilizing food-contact surfaces prepared from polycarbonate resins. Because a 30-day objection period was provided in the November 15, 1985, final rule, none need be provided at this time. No objections were received at that time.

#### List of Subjects in 21 CFR Part 178

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, Center for Food Safety and Applied Nutrition, Part 178 is amended as follows:

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

1. The authority citation for 21 CFR Part 178 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 178.1005 is amended in paragraph (e)(1) by alphabetically adding an entry in the table under the headings "Substances" and "Limitations" to read as follows:

§ 178.1005 Hydrogen peroxide solution.

(e) \* \* \*  
(1) \* \* \*

| Substances                 | Limitations                                |
|----------------------------|--------------------------------------------|
| Polycarbonate resins ..... | Complying with § 177.1580 of this chapter. |

Dated: March 17, 1989.

Fred R. Shank,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 89-7599 Filed 3-30-89; 8:45 am]

BILLING CODE 4160-01-M

## 21 CFR Part 184

[Docket No. 78N-0349]

### Certain Glycerides; Affirmation of GRAS Status; Correction

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule; correction.

**SUMMARY:** The Food and Drug Administration (FDA) is correcting its response to a comment that was included in the agency's final rule of February 21, 1989, which affirmed that the use of certain glycerides is generally recognized as safe (GRAS) as direct human food ingredients. This document was inadvertently published while the agency was considering a submission the claimed that "DATEM" is an appropriate acronym for the GRAS ingredient diacetyl tartaric acid esters of mono- and diglycerides. The agency has completed its review of this submission and will not object to the term "DATEM" being inserted immediately after the name of this ingredient on food product labeling. The GRAS regulation for diacetyl tartaric acid esters of mono- and diglycerides is being amended to reflect this agency view.

**EFFECTIVE DATE:** May 1, 1981.

**FOR FURTHER INFORMATION CONTACT:** Vir Anand, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-472-5690.

**SUPPLEMENTARY INFORMATION:** In the Federal Register of February 21, 1989 (54 FR 7401), FDA published a final rule to affirm that mono- and diglycerides, diacetyl tartaric acid esters of mono- and diglycerides, monosodium phosphate derivatives of mono- and diglycerides, glyceryl monostearate, glyceryl monooleate, triacetin (glyceryl

triacetate), and tributyrin (glyceryl tributyrate) and GRAS for use as direct human food ingredients. This document was inadvertently published while the agency was considering a comment that claimed that "DATEM" is an appropriate acronym for the GRAS ingredient diacetyl tartaric acid esters of mono- and diglycerides.

In the final rule, FDA stated that use of the term "DATEM" in conjunction with this ingredient would be confusing because of how "DATEM" is used in Europe. Because of the inadvertent publication of the document, this view was not based upon a complete review of the submitted data. The agency has now completed its evaluation of the information contained in the comment, additional information submitted in support of the comment, and information the agency itself developed on the use of the term "DATEM" in Europe and the United States. Based upon that evaluation, the agency now concludes that the use of the term "DATEM" in conjunction with the ingredient name for diacetyl tartaric acid esters of mono- and diglycerides on food labels would be appropriate. FDA has reached this conclusion because: (1) Diacetyl tartaric acid esters of mono- and diglycerides are the primary components of "DATEM" as the term is used in the scientific literature; (2) European labeling for the additive uses neither the common name nor the term "DATEM"; and (3) compliance with 21 CFR 184.1101 and the specifications of the Food Chemicals Codex, 3d Ed. (1981) would provide for the use in Food, in the United States, of only the diacetyl tartaric acid esters of mono- and diglycerides considered in this affirmation document.

FDA concludes, therefore, that it is appropriate to permit the use of the acronym "DATEM" of food labeling, provided it is parenthetically inserted immediately following the name of the ingredient. Public exposure over a period of time could lead to eventual acceptance of the acronym as an alternate common or usual name for this ingredient. Any interested person may then petition FDA to formally adopt the term "DATEM" as an alternate common or usual name for diacetyl tartaric acid esters of mono- and diglycerides.

The comment asked that the term "DATEM" be parenthetically inserted in the title of § 184.1101. The agency is denying this request because it believes that if the regulation were revised in this way, it would imply that "DATEM" had already been established as an alternate common or usual name for this

substance. As discussed, this impression would not be correct.

The agency is, therefore, amending § 184.1101 *Diacetyl tartaric acid esters of mono- and diglycerides* (21 CFR 184.1101) by revising paragraph (a) and by adding paragraph (e) to provide for the use of the acronym "DATEM" in combination with the full chemical name.

### List of Subjects in 21 CFR Part 184

#### Food ingredients.

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, Part 184 is amended as follows:

### PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

1. The authority citation for 21 CFR Part 184 continues to read as follows:

**Authority:** Secs. 201(s), 402, 409, 701, 52 Stat. 1046-1047 as amended 1055-1056 as amended, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 342, 348, 371); 21 CFR 5.10, 5.61.

2. Section 184-1101 is amended by revising paragraph (a) and by adding new paragraph (e) to read as follows:

#### § 184.1101 Diacetyl tartaric acid esters of mono- and diglycerides.

(a) Diacetyl tartaric acid esters of mono- and diglycerides (DATEM) are composed of mixed esters of glycerin in which one or more of the hydroxyl groups of glycerin has been esterified by diacetyl tartaric acid and by fatty acids. The ingredient is prepared by the reaction of diacetyl tartaric anhydride with mono- and diglycerides that are derived from edible sources.

(e) *Labeling:* The acronym "DATEM" has been suggested as an eventual alternate common or usual name for the ingredient diacetyl tartaric acid esters of mono- and diglycerides. This term may be used, in parenthesis, immediately following the name of this ingredient on food labeling.

Dated: March 24, 1989.

Fred R. Shank,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 89-7600 Filed 3-30-89; 8:45 am]

BILLING CODE 4160-01-M

**PENSION BENEFIT GUARANTY CORPORATION****29 CFR Part 2644****Notice and Collection of Withdrawal Liability; Adoption of New Interest Rate**

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Final rule.

**SUMMARY:** This is an amendment to the Pension Benefit Guaranty Corporation's regulation on Notice and Collection of Withdrawal Liability. That regulation incorporates certain interest rates published by another Federal agency. The effect of this amendment is to add to the appendix of that regulation a new interest rate to be effective from April 1, 1989, to June 30, 1989.

**EFFECTIVE DATE:** April 1, 1989.

**FOR FURTHER INFORMATION CONTACT:**

John Foster, Attorney, Office of the General Counsel (22500), Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, DC 20006; telephone 202-778-8850 (202-778-8859 or TTY and TDD). These are not toll-free numbers.

**SUPPLEMENTARY INFORMATION:** Under section 4219(c) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), the Pension Benefit Guaranty Corporation ("the PBGC") promulgated a final regulation on Notice and Collection of Withdrawal Liability. That regulation, codified at 29 CFR Part 2644, deals with the rate of interest to be charged by multiemployer pension plans on withdrawal liability payments that are overdue or in default, or to be credited by plans on overpayments of withdrawal liability. The regulation allows plans to set rates, subject to certain restrictions. Where a plan does not set the interest rate, § 2644.3(b) of the regulation provides that the rate to be charged or credited for any calendar quarter is the average quoted prime rate on short-term commercial loans for the fifteenth day (or the next business day if the fifteenth day is not a business day) of the month preceding the beginning of the quarter, as reported by the Board of Governors of the Federal Reserve System in Statistical Release H.15 ("Selected Interest Rates").

Because the regulation incorporates interest rates published in Statistical Release H.15, that release is the authoritative source for the rates that are to be applied under the regulation. As a convenience to persons using the regulation, however, the PBGC collects the applicable rates and republishes

them in an appendix to Part 2644. This amendment adds to this appendix the interest rate of 11½ percent, which will be effective from April 1, 1989 through June 30, 1989. This rate represents an increase of 1 percent from the rate in effect for the first quarter of 1989. See 53 FR 52995 (December 30, 1988). This rate is based on the prime rate in effect on March 15, 1989.

The appendix to 29 CFR Part 2644 does not prescribe interest rates under the regulation; the rates prescribed in the regulation are those published in Statistical Release H.15. The appendix merely collects and republishes the rates in a convenient place. Thus, the interest rates in the appendix are informational only. Accordingly, the PBGC finds that notice of and public comment on this amendment would be unnecessary and contrary to the public interest. For the above reasons, the PBGC also believes that good cause exists for making this amendment effective immediately.

The PBGC has determined that this amendment is not a "major rule" within the meaning of Executive Order 12291, because it will not have an annual effect on the economy of \$100 million or more; nor create a major increase in costs or prices for consumers, individual industries, or geographic regions, nor have significant adverse effects on competition, employment, investment, innovation or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

**List of Subjects in 29 CFR Part 2644**

Employee benefit plans, Pensions.

In consideration of the foregoing, Part 2644 of Subchapter F of Chapter XXVI of Title 29, Code of Federal Regulations, is amended as follows:

**PART 2644—NOTICE AND COLLECTION OF WITHDRAWAL LIABILITY**

1. The authority citation for Part 2644 continues to read as follows:

**Authority:** 29 U.S.C. 1302(b)(3) and 1399(c)(6).

**Appendix A [Amended]**

2. Appendix A is amended by adding to the end of the table therein a new entry as follows:

| From          | To       | Date of quotation | Rate (percent) |
|---------------|----------|-------------------|----------------|
| 04/01/89..... | 06/30/89 | 03/15/89          | 11.50          |

Issued at Washington, DC, on this 24th day of March 1989.

Kathleen P. Utgoff,

Executive Director.

[FR Doc. 89-7629 Filed 3-30-89; 8:45 am]

BILLING CODE 7708-01-M

**DEPARTMENT OF THE INTERIOR****Office of Surface Mining Reclamation and Enforcement****30 CFR Part 906****Colorado Permanent Regulatory Program**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

**ACTION:** Final rule; approval of amendments.

**SUMMARY:** OSMRE is announcing the approval of amendments to the Colorado permanent regulatory program (hereinafter referred to as the Colorado program), as administered by the Colorado Mined Land Reclamation Division (MLRD), under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendments pertain to exemptions, experimental practices, prime farmland, subsidence control, fish and wildlife, bonding and insurance requirements, revegetation, lands unsuitable and related areas, inspection and enforcement, civil penalties, and topsoil. Colorado is modifying its approved program to be consistent with SMCRA and the Federal regulations and to improve its operational efficiency. Consistency of State and Federal standards is required by SMCRA.

**EFFECTIVE DATE:** March 31, 1989.

**FOR FURTHER INFORMATION CONTACT:**

Robert H. Hagen, Director, Albuquerque Field Office, Office of Surface Mining Reclamation and Enforcement, 625 Silver Avenue SW., Suite 310, Albuquerque, NM 87102; Telephone (505) 766-1486.

**SUPPLEMENTARY INFORMATION:**

- I. Background on the Colorado Program
- II. Submission of Proposed Amendments
- III. Director's Findings
- IV. Summary and Disposition of Comments
- V. Director's Decision
- VI. Procedural Determinations