

that the status quo should be maintained until a determination is made on the good experience discount provisions.

Accordingly, FCIC herein amends the Hybrid Seed Crop Insurance Regulations (7 CFR Part 443) to allow a continuation of the good experience discount provision through the 1991 crop year.

On Wednesday, March 8, 1989, FCIC published a notice of proposed rulemaking in the *Federal Register* at 54 FR 9835, to provide that the premium reduction gained by insureds through good insuring experience will extend beyond the present 1989 crop year expiration to allow a continuation of good experience discount for all present policyholders who are eligible for a premium reduction while FCIC reviews the entire good experience discount issue for all policyholders.

The public was given 30 days in which to submit written comments, data, and opinions on the proposed rule, but none were received. Therefore, FCIC herewith adopts the proposed rule published at 54 FR 9835 as a final rule without change.

List of Subjects in 7 CFR Part 443

Crop insurance, Hybrid seed.

Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation amends the Hybrid Seed Crop Insurance Regulations (7 CFR Part 443), effective for the 1990 and succeeding crop years, in the following instances:

PART 443—[AMENDED]

1. The authority citation for 7 CFR Part 443 continues to read as follows:

Authority: 7 U.S.C. 1506, 1516.

2. Section 7(d) of the Hybrid Seed Crop Insurance Regulations (7 CFR 443.7) is amended by revising subsection 5.c.(1) to read as follows:

§ 443.7 The application and policy.

* * * * *

(d) * * *

5. Annual Premium.

* * * * *

c. * * *

(1) No premium reduction will be retained after the 1991 crop year;

* * * * *

Done in Washington, DC on May 2, 1989.

John Marshall,
Manager, Federal Crop Insurance
Corporation.

[FR Doc. 89-11359 Filed 5-10-89; 8:45 am]

BILLING CODE 3410-08-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 95

[Docket No. 25895; Amdt. No. 350]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rule) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. These regulatory actions are needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: June 1, 1989.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures Standards Branch (AFS-230), Air Transportation Division, Office of Flight Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 95 of the Federal Aviation Regulations (14 CFR Part 95) prescribes new, amended, suspended, or revoked IFR altitudes governing the operation of all aircraft in IFR flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in Part 95. The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference.

The reasons and circumstances which create the need for this amendment involve matters of flight safety, operational efficiency in the National

Airspace System, and are related to published aeronautical charts that are essential to the user and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment is unnecessary, impracticable, and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

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. For the same reason, the FAA certifies that this amendment 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 95

Aircraft, Airspace.

Issued in Washington, DC on May 1, 1989.

Robert L. Goodrich,
Director, Flight Standards Service.

Adoption of the Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, Part 95 of the Federal Aviation Regulations (14 CFR Part 95) is amended as follows effective at 0901 GMT:

PART 95—[AMENDED]

1. The authority citation for Part 95 continues to read as follows:

Authority: 49 U.S.C. 1348, 1354 and 1510; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.49(b)(2).

2. Part 95 is amended as follows:

BILLING CODE 4910-13-M

REVISIONS TO MINIMUM ENROUTE IFR ALTITUDES & CHANGEOVER POINTS

AMENDMENT 350 EFFECTIVE DATE, JUNE 1, 1989

FROM	TO	MEA	FROM	TO	MEA
§95.6007 VOR FEDERAL AIRWAY 7 IS AMENDED TO READ IN PART			§95.6159 VOR FEDERAL AIRWAY 159 IS AMENDED TO READ IN PART		
LAIRD, IL FIX THORR, IL FIX *1900 - MOCA	THORR, IL FIX PAPPI, IL FIX	2500 *2500	SIOUX CITY, IA VORTAC *2700 - MOCA	OBERT, NE FIX	*4500
§95.6009 VOR FEDERAL AIRWAY 9 IS AMENDED TO READ IN PART			§95.6178 VOR FEDERAL AIRWAY 178 IS AMENDED TO READ IN PART		
ST LOUIS, MO VORTAC	CAPITAL, IL VORTAC	2700	CAPE GIRARDEAU, MO VOR/DME CUNNINGHAM, KY VORTAC	CUNNINGHAM, KY VORTAC CENTRAL CITY, KY VORTAC	2400 2600
§95.6011 VOR FEDERAL AIRWAY 11 IS AMENDED TO READ IN PART			§95.6191 VOR FEDERAL AIRWAY 191 IS AMENDED TO READ IN PART		
SCOTO, IN FIX *2200 - MOCA	INDIANAPOLIS, IN VORTAC	*2900	NEWT, IL FIX	BOJAK, IL FIX	3500
§95.6026 VOR FEDERAL AIRWAY 26 IS AMENDED TO READ IN PART			§95.6208 VOR FEDERAL AIRWAY 208 IS AMENDED TO READ IN PART		
FARMINGTON, MN VORTAC	EAU CLAIRE, WI VORTAC	3000	PEACH SPRINGS, AZ VORTAC GRAND CANYON, AZ VOR/ DME TUBA CITY, AZ VORTAC	GRAND CANYON, AZ VOR/DME TUBA CITY, AZ VORTAC PAGE, AZ VOR/DME	10000 9500 9000
§95.6071 VOR FEDERAL AIRWAY 71 IS AMENDED TO READ IN PART			§95.6275 VOR FEDERAL AIRWAY 275 IS AMENDED TO DELETE		
MONROE, LA VORTAC HARRISON, AR VOR/DME RASON, MO FIX BUTLER, MO VORTAC	EL DORADO, AR VORTAC RASON, MO FIX SPRINGFIELD, MO VORTAC TOPEKA, KS VORTAC	2100 3200 3000 3100	CINCINNATI, KY VORTAC VIA W ALTER. RICHMOND, IN VORTAC VIA W ALTER.	RICHMOND, IN VORTAC VIA W ALTER. DAYTON, OH VOR/DME VIA W ALTER.	2800 2900
§95.6094 VOR FEDERAL AIRWAY 94 IS AMENDED TO READ IN PART			§95.6298 VOR FEDERAL AIRWAY 298 IS AMENDED TO READ IN PART		
ELM GROVE, LA VOR/DME *3000 - MRA WETER, LA FIX *1800 - MOCA	*WETER, LA FIX MONROE, LA VORTAC	2400 *2400	LAMON, ID FIX *14100 - MCA QUIRT FIX, W BND QUIRT, WY FIX	*QUIRT, WY FIX DUNOIR, WY VOR/DME	15000 12000
§95.6116 VOR FEDERAL AIRWAY 116 IS AMENDED TO READ IN PART			§95.6330 VOR FEDERAL AIRWAY 330 IS AMENDED TO READ IN PART		
MACON, MO VORTAC *2100 - MOCA	QUINCY, IL VORTAC	*2700	JACKSON, WY VOR/DME	DUNOIR, WY VOR/DME	13000
§95.6144 VOR FEDERAL AIRWAY 144 IS AMENDED TO READ IN PART					
LINDEN, VA VORTAC	BLUES, VA FIX	5000			

FROM TO MEA
§95.6465 VOR FEDERAL AIRWAY 465
 IS AMENDED TO READ IN PART

JACKSON, WY VOR/DME DUNOIR, WY VOR/DME 13000

§95.6493 VOR FEDERAL AIRWAY 493
 IS AMENDED TO READ IN PART

MENOM'NEE, MI VOR/DME RHINELANDER, WI
 VORTAC 3500

FROM TO MEA
§95.6517 VOR FEDERAL AIRWAY 517
 IS AMENDED BY ADDING

CINCINNATI, KY VORTAC RICHMOND, IN VORTAC 2800
 RICHMOND, IN VORTAC DAYTON, OH VOR/DME 2900

§95.6520 VOR FEDERAL AIRWAY 520
 IS AMENDED TO READ IN PART

DUBOIS, ID VORTAC *JACKSON, WY VOR/DME 15000
 *14300 - MCA JACKSON VOR/DME, W BND.

FROM	TO	MEA	MAA
§95.7018 JET ROUTE NO. 18			
IS AMENDED TO READ IN PART			
ST JOSEPH, MO VORTAC	MOLINE, IL VORTAC	18000	35000
MOLINE, IL VORTAC	JOLIET, IL VORTAC	18000	35000
§95.7019 JET ROUTE NO. 19			
IS AMENDED BY ADDING			
ST LOUIS, MO VORTAC	ROBERTS, IL VORTAC	18000	35000
ROBERTS, IL VORTAC	NORTHBROOK, IL VORTAC	18000	35000
§95.7035 JET ROUTE NO. 35			
IS AMENDED TO READ IN PART			
CAPITAL, IL VORTAC	PONTIAC, IL VORTAC	18000	31000
PONTIAC, IL VORTAC	JOLIET, IL VORTAC	18000	35000
§95.7055 JET ROUTE NO. 55			
IS AMENDED TO READ IN PART			
KENNEBUNK, ME VORTAC	PRESQUE ISLE, ME VORTAC	19000	45000
§95.7071 JET ROUTE NO. 71			
IS AMENDED TO READ IN PART			
CENTRALIA, IL VORTAC	ROBERTS, IL VORTAC	18000	35000
ROBERTS, IL VORTAC	NORTHBROOK, IL VORTAC	18000	35000
§95.7073 JET ROUTE NO. 73			
IS AMENDED TO READ IN PART			
TERRE HAUTE, IN VORTAC	DANVILLE, IL VORTAC	18000	35000
DANVILLE, IL VORTAC	NORTHBROOK, IL VORTAC	18000	35000
§95.7087 JET ROUTE NO. 87			
IS AMENDED TO READ IN PART			
KIRKSVILLE, MO VORTAC	MOLINE, IL VORTAC	18000	35000
MOLINE, IL VORTAC	JOLIET, IL VORTAC	18000	35000
§95.7096 JET ROUTE NO. 96			

FROM	TO	MEA	MAA
§95.7096 JET ROUTE NO. 96—Continued			

IS AMENDED TO READ IN PART

KIRKSVILLE, MO VORTAC	PEORIA, IL VORTAC	18000	35000
PEORIA, IL VORTAC	JOLIET, IL VORTAC	18000	35000

§95.7101 JET ROUTE NO. 101

IS AMENDED TO READ IN PART

CAPITAL, IL VORTAC	PONTIAC, IL VORTAC	18000	31000
PONTIAC, IL VORTAC	JOLIET, IL VORTAC	18000	35000

§95.7110 JET ROUTE NO. 110

IS AMENDED TO READ IN PART

BELLAIRE, OH VORTAC	KIPPI, PA FIX	18000	45000
KIPPI, PA FIX	COYLE, NJ VORTAC	22000	45000

§95.7174 JET ROUTE NO. 174

IS AMENDED TO READ IN PART

SNOW HILL, MD VORTAC	WARNN, NJ FIX	18000	33000
WARNN, NJ FIX	HAMPTON, NY VORTAC	18000	33000

§95.7223 JET ROUTE NO. 223

IS AMENDED TO READ IN PART

LA GUARDIA, NY VOR/DME	CORDS, NY FIX	18000	25000
CORDS, NY FIX	ELMIRA, NY VOR/DME	18000	45000

§95.7232 JET ROUTE NO. 232

IS ADDED TO READ

KIRKSVILLE, MO VORTAC	MOLINE, IL VORTAC	18000	35000
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§95.8003 VOR FEDERAL AIRWAYS CHANGEOVER POINTS

AIRWAY SEGMENT		CHANGEOVER POINTS	
FROM	TO	DISTANCE	FROM
V-208			
IS AMENDED BY ADDING			
PEACH SPRINGS, AZ VORTAC	GRAND CANYON, AZ VOR/ DME	57	PEACH SPRINGS

§95.8005 JET ROUTES CHANGEOVER POINTS

AIRWAY SEGMENT		CHANGEOVER POINTS	
FROM	TO	DISTANCE	FROM
J-18			
IS AMENDED BY ADDING			
MOLINE, IL VORTAC	JOLIET, IL VORTAC	45	MOLINE
IS AMENDED TO DELETE			
ST JOSEPH, MO VORTAC	BRADFORD, IL VORTAC	75	ST JOSEPH
IS AMENDED BY ADDING			
ROBERTS, IL VORTAC	NORTHBROOK, IL VORTAC	40	ROBERTS
J-55			
IS AMENDED BY ADDING			
BOSTON, MA VORTAC	KENNEBUNK, ME VORTAC	38	BOSTON
J-71			
IS AMENDED BY ADDING			
CENTRALIA, IL VORTAC	ROBERTS, IL VORTAC	98	CENTRALIA
ROBERTS, IL VORTAC	NORTHBROOK, IL VORTAC	40	ROBERTS
J-73			
IS AMENDED TO READ IN.PART			
DANVILLE, IL VORTAC	NORTHBROOK, IL VORTAC	50	DANVILLE
J-87			
IS AMENDED BY ADDING			
MOLINE, IL VORTAC	JOLIET, IL VORTAC	45	MOLINE

[FR Doc. 89-11294 Filed 5-10-89; 8:45 am]

BILLING CODE 4910-13-C

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

[T.D. 89-58]

Unique Bill of Lading Identifier

AGENCY: U.S. Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: By a final rule published as T.D. 88-69 in the Federal Register on October 26, 1988 (53 FR 43197), section 4.7a, Customs Regulations (19 CFR 4.7a), was amended to require that each bill of lading accompanying a shipment of cargo carried by vessel be identified by a unique identifier containing not more than 16 characters, the first four of which must consist of a Standard Carrier Alpha Code (SCAC) assigned to and specifically identifying each carrier or other issuer of bills of lading. The remaining 12 characters could be either alpha or numeric, but when both were used the alpha characters had to be placed either in the first or last positions and not commingled with the numeric characters.

This document amends § 4.7a, as amended by T.D. 88-69, so as to effectively give the carrier or other issuer the option of commingling the alpha and numeric characters. The amendment also makes clear Customs policy that in cases of errors, in particular transpositions and duplications resulting from the commingling, the trade will be responsible for reconciling any such discrepancies between manifests and entries, except in a Customs post-audit process.

EFFECTIVE DATE: This amendment is effective March 31, 1989.

FOR FURTHER INFORMATION CONTACT: Eula Walden, Office of Automated Commercial Systems, (202) 566-6012.

SUPPLEMENTARY INFORMATION:**Background**

By a final rule published as T.D. 88-69 in the Federal Register on October 26, 1988 (53 FR 43197), § 4.7a, Customs Regulations (19 CFR 4.7a), was amended to require that each bill of lading accompanying a shipment of cargo carried by vessel be identified by a unique identifier containing not more than 16 characters. This identifier will serve to distinguish that particular bill of lading from other bills of lading issued by that carrier or issuer and from bills of lading issued by others.

The unique identifier is designed to enable the Customs Automated

Commercial System (ACS) to more accurately track the progress of cargo from its arrival to its release. The identifier will, however, be required whether or not the carrier or other issuer of the bill is currently participating in ACS. This identifier must be used on any document which requires a bill of lading number.

As amended by T.D. 88-69, § 4.7a requires the use of the Standard Carrier Alpha Code (SCAC) for the first four characters of the identifier. The remaining 12 characters of the identifier could be either alpha or numeric, with the alpha characters grouped either in the first or last positions. Commingling of the alpha and numeric characters was thus not permitted in the final rule published in T.D. 88-69.

It has, however, now been determined that it is not technically necessary to have this non-commingling requirement. By affording the option to commingle the alpha and numeric characters, if desired, carriers and other issuers may more easily employ their own numbering systems for purposes of complying with the unique bill of lading identifier requirement.

Accordingly, Customs processing of the unique bill of lading identifier will simply be limited to checking the validity of the SCAC code and ensuring that the bill of lading identifier has not been duplicated within the 3-year period. If these requirements are met, the identifier will be accepted into the manifest database. The trade will be responsible for correcting discrepancies, such as duplications and transpositions, which occur between manifests and entries. Customs will not perform any such reconciliation except as part of a post-audit review process. Consequently, in view of the above, § 4.7a(c)(2)(iii) is being amended to reflect these changes.

Inapplicability of Public Notice Provision

As the amendment in effect provides an optional method for issuing unique bill of lading identifiers, and affords greater flexibility in their issuance which was desired by many commenters in the initial rulemaking, a notice of proposed rulemaking and delayed effective date is considered unnecessary under the Administrative Procedure Act, 5 U.S.C. 553.

Executive Order 12291

The document does not meet the criteria for a "major rule" as specified by E.O. 12291. Accordingly, no regulatory impact analysis is required.

Inapplicability of Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this final rule the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

Paperwork Reduction Act

The amendment is subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501). The collection of information contained in this final regulation has already been reviewed and approved by the Office of Management and Budget in accordance with the requirements of the Paperwork Reduction Act (44 U.S.C. 3504(h)) under control number 1515-0142. The estimated average burden associated with the collection of information in this final rule is 6 minutes. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to U.S. Customs Service, Paperwork Management Branch, Washington, DC 20229 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention Desk Officer for U.S. Customs Service.

Drafting Information

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

List of Subjects in 19 CFR Part 4

Carriers; Manifests; Vessels; Bill of Lading.

Amendment

This document amends Part 4, Customs Regulations (19 CFR Part 4), as set forth below:

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

1. The general and specific authority citations for Part 4 continue to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1624; 46 U.S.C. App. 3.

* * * * *

Section 4.7a also issued under 19 U.S.C. 1431, 1439, 1465, 1498, 1584, 46 U.S.C. App. 674.

* * * * *

2. Section 4.7a(c)(2)(iii) is revised to read as follows:

§ 4.7a Inward manifest; information required; alternative forms.

* * * * *

(c) *Cargo Declaration.* * * *

(2) * * *

(iii) All bills of lading, whether issued by a carrier, freight forwarder, or other issuer, shall contain a unique identifier consisting of up to 16 characters in length. The unique bill of lading number will be composed of two elements. The first element will be the first four characters consisting of the carrier or issuer's four digit Standard Carrier Alpha Code (SCAC) assigned to the carrier in the National Motor Freight Traffic Association, Inc., Directory of Standard Multi-Modal Carrier and Tariff Agent Codes, applicable supplements thereto and reissues thereof. The second element may be up to 12 characters in length and may be either alpha and/or numeric. The unique identifier shall not be used by the carrier, freight forwarder or issuer for another bill of lading for a period of 3 years after issuance. Customs processing of the unique identifier will be limited to checking the validity of the Standard Carrier Alpha Codes (SCAC) and ensuring that the identifier has not been duplicated within a 3-year period. Carriers and broker/importers will be responsible for reconciliation of discrepancies between manifests and entries. Customs will not perform any reconciliation except in a post-audit process.

William von Rabb,
Commissioner of Customs.

Approved: May 5, 1989.

Salvatore R. Martoche,
Assistant Secretary of the Treasury.

[FR Doc. 89-11270 Filed 5-10-89; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Pesticide Monitoring Improvements Act

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority by adding a new authority delegated by the Assistant Secretary for Health to the Commissioner of Food and Drugs. The authority being added is under sections 4702, 4703, and 4704 of the Pesticide Monitoring Improvements Act of 1988 (21 U.S.C. 1401-1403).

EFFECTIVE DATE: May 11, 1989.

FOR FURTHER INFORMATION CONTACT: Ellen Rawlings, Office of Management and Operations (HFA-340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4976.

SUPPLEMENTARY INFORMATION: In a memorandum dated February 28, 1989, the Acting Secretary of Health and Human Services delegated to the Assistant Secretary for Health certain authorities vested in the Secretary under sections 4702, 4703, and 4704 of the Pesticide Monitoring Improvements Act of 1988 (21 U.S.C. 1401-1403), excluding the authority to submit reports to Congress. In a subsequent memorandum, dated March 17, 1989, the Assistant Secretary for Health redelegated to the Commissioner of Food and Drugs all of the authorities delegated to the Assistant Secretary by the Secretary. The delegated authorities concern establishing a data management system to monitor pesticide residues in foods, entering into cooperative agreements with other countries to obtain information on pesticides used on foods exported to the United States, and preparing a long-range research plan for developing pesticide analytical methods. FDA is amending § 5.10 *Delegations from the Secretary, the Assistant Secretary for Health, and Public Health Service Officials* (21 CFR 5.10) by adding a new paragraph (a)(30) to incorporate this delegation.

The authorities may be redelegated. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Imports, Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Part 5 is amended as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. The authority citation for 21 CFR Part 5 continues to read as follows:

Authority: 5 U.S.C. 504, 552; 7 U.S.C. 2217; 15 U.S.C. 638, 1451 *et seq.*, 3701 *et seq.*, 21 U.S.C. 41 *et seq.*, 61-63, 141 *et seq.*, 301-392, 467f(b), 679(b), 801 *et seq.*, 823(f), 1031 *et seq.*; 35 U.S.C. 156; 42 U.S.C. 219, 241, 242(a), 242a, 242l, 242o, 243, 262, 263, 263b through 263m, 264, 265, 300u *et seq.*, 1395y and 1395y note, 3246b(b)(3), 4831(a), 10007, and 10008; Federal Caustic Poison Act (44 Stat. 1406); Federal Advisory Committee Act (Pub. L. 92-463); E.O. 11490, 11921, 12591.

2. Section 5.10 is amended by adding a new paragraph (a)(30) to read as follows:

§ 5.10 Delegations from the Secretary, the Assistant Secretary for Health, and Public Health Service Officials.

(a) * * *

(30) Functions vested in the Secretary under sections 4702, 4703, and 4704 of the Pesticide Monitoring Improvements Act of 1988 (21 U.S.C. 1401-1403) which relate to pesticide monitoring and enforcement information, foreign pesticide information, and pesticide analytical methods. The delegation excludes the authority to submit reports to Congress.

Dated: May 5, 1989.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 89-11303 Filed 5-10-89; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 177

[Docket No. 86F-0508]

Indirect Food Additives; Polymers

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food and additive regulations to provide for the safe use of *n*-methylglutaramide/acrylic copolymers as articles or components of articles intended for use in contact with food. This action responds to a petition filed by Rohm and Haas Co.

DATES: Effective May 11, 1989; written objections and requests for a hearing by June 12, 1989.

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: 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 a notice published in the Federal Register of February 3, 1987 (52 FR 3351), FDA announced that a food additive petition (FAP 7B3979) had been filed by Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105, proposing that the food additive regulations be amended to provide for the safe use of

n-methylglutarimide/acrylic copolymers as articles or components of articles intended for use in contact with food.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed use of methylglutarimide/acrylic copolymers is safe, and that a new regulation, § 177.1060 *n*-Alkylglutarimide/acrylic copolymers, should be added to 21 CFR Part 177 to authorize the use of the additive. The permitted uses of *n*-methylglutarimide/acrylic copolymers are listed in this regulation.

As part of its review of the petition, FDA considered the potential environmental impact from increased usage of vinyl chloride homo- and copolymers resulting from the use of *n*-methylglutarimide/acrylic copolymer as a polymer modifier. FDA initially concluded that there could be a significant increase in the use of vinyl chloride homo- and copolymers to package food from this use. (In a separate action, the agency has decided to prepare an environmental impact statement to assess the environmental impact of significant increases in use of vinyl chloride polymers (November 22, 1988; 53 FR 47264).) Therefore, FDA is establishing a limit in the regulation to preclude use of the additive with vinyl chloride homo- and copolymers, pending further resolution of the environmental impact issues.

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 June 12, 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.

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

2. New § 177.1060 is added to Subpart B to read as follows:

§ 177.1060 *n*-Alkylglutarimide/acrylic copolymers.

n-Alkylglutarimide/acrylic copolymers identified in this section may be safely used as articles or components of articles intended for use in contact with food subject to provisions of this section and Part 174 of this chapter.

(a) *Identity*. For the purpose of this section, *n*-alkylglutarimide/acrylic copolymers are copolymers obtained by reaction of substances permitted by § 177.1010(a) (1), (2), and (3) with the following substance: Monomethylamine (CAS Reg. No. 74-89-5), to form *n*-methylglutarimide/acrylic copolymers.

(b) *Adjuvants*. The copolymers identified in paragraph (a) of this section may contain adjuvant substances required in their production. The optional adjuvant substances required in the production of the basic polymer

may include substances permitted for such use by applicable regulations, as set forth in Part 174 of this chapter.

(c) *Specifications*. Maximum nitrogen content of the copolymer determined by micro-Kjeldahl analysis, shall not exceed 8 percent.

(d) *Limitations*. (1) The *n*-alkylglutarimide/acrylic copolymers in the finished form in which they shall contact food, when extracted with the solvent or solvents characterizing the type of food and under the conditions of time and temperature described in Tables 1 and 2 of § 176.170(c) of this chapter, shall yield extractives not to exceed the limitations of § 177.1010(b) of this chapter, when prepared as strips, as described in § 177.1010(c)(2) of this chapter.

(2) The *n*-alkylglutarimide/acrylic copolymers shall not be used as polymer modifiers in vinyl chloride homo- or copolymers.

(e) *Conditions of use*. The *n*-alkylglutarimide/acrylic copolymers are used as articles or components of articles (other than articles composed of vinyl chloride homo- or copolymers) intended for use in contact with all foods except beverages containing more than 8 percent alcohol under conditions of use D, E, F, and G as described in Table 1 of § 176.170(c) of this chapter.

Dated: April 28, 1989.

Fred R. Shank,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 89-11302 Filed 5-10-89; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 436 AND 455

[Docket No. 89N-0052]

Antibiotic Drugs; Vancomycin Hydrochloride for Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations to provide for the inclusion of accepted standards for a new dosage form of vancomycin hydrochloride, vancomycin hydrochloride for injection. The manufacturer has supplied sufficient data and information to establish its safety and efficacy.

DATES: June 12, 1989; comments, notice of participation, and request for hearing by June 12, 1989; data, information, and analyses to justify a hearing by July 10, 1989.

ADDRESS: Written comments to the Docket Management Branch (HFA-305), Food and Drug Administration, Room 4-62, 5600 Fishers Lane, Rockville, MD 20857.