forms which were eliminated was CF 7529, entitled "Carrier's Certificate and Release Order". It had been determined that this form was unduly burdensome because the information sought on that form could be supplied in another manner using existing trade documentation as prescribed in 19 CFR 141.11(a).

Unfortunately, blanket release orders as prescribed in 19 CFR 141.11(a)(5) and 141.111(c) specifically required the filing of a CF 7529. When T.D. 87–75 was issued, this fact was overlooked. It had not been Customs intent to disallow the use of blanket release orders in appropriate situations. A blanket release order is a right-to-make-entry document for formal or informal entry procedures. It can be effective for the duration specified in the document.

Customs is now amending the regulations to specifically permit the use of blanket release orders by carriers. The regulations permit appropriately modified bills of lading or air waybills to be used as blanket release orders.

A notice of proposed rulemaking was published in the **Federal Register** on April 3, 1990 (55 FR 12385). No comments were received in response to the proposal. Accordingly, this final rule is being issued as proposed.

**Regulatory Flexibility Act**

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that the amendment will not have a significant economic impact on a substantial number of small entities. Accordingly, it is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

**Executive Order 12291**

This document does not meet the criteria for a "major rule" as specified in E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

**Drafting Information**

The principal author of this document was Peter T. Lynch, 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 141**

Customs duties and inspection; Imports.

**Amendments to the Regulations**

Part 141, Customs Regulations (19 CFR part 141) is amended as set forth below:

## PART 141—ENTRY OF MERCHANDISE

1. The authority citation for part 141 continues to read in part as follows:

Authority: 19 U.S.C. 66, 1448, 1484, 1624. Subpart B also issued under 19 U.S.C. 1483;

* * * * *

2. Section 141.11 is amended by removing the designation "Reserved" in paragraph (a)(5), and adding a new paragraph (a)(5) to read as follows:

**§ 141.11 Evidence of right to make entry for importations by common carrier.**

(a) * * *

(5) A blanket carrier's release order on an appropriately modified bill of lading or air waybill covering any or all shipments which will arrive within the district on the carrier's conveyance during the period specified in the release order.

* * * * *

3. Section 141.111 is amended by adding a new paragraph (c) to read as follows:

**§ 141.111 Carrier's release order.**

* * * * *

(c) *Blanket release order.* Merchandise may be released to the person named in the bill of lading or air waybill in the absence of a specific release order from the carrier, if the carrier concerned has filed a blanket order authorizing release to the owner or consignee in such cases. A carrier's certificate in the form shown in § 141.11(a)(4), may be modified and executed to make it a blanket release order for the shipments covered by a blanket carrier's release order under § 141.11(a)(5).

* * * * *

Michael H. Lane,

*Acting Commissioner of Customs.*

Approved: October 24, 1990.

Peter K. Nunez,

*Assistant Secretary of the Treasury.*

[FR Doc. 90–26586 Filed 11–8–90; 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; Center for Devices and Radiological Health

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the regulations for delegations of authority relating to functions performed by the Center for Devices and Radiological Health (CDRH) to change the name of the Office of Compliance where it appears in the delegations to the Office of Compliance and Surveillance, to conform with the reorganization approved by the Director, Office of Management, Public Health Service, and published in the **Federal Register** of February 9, 1989 (54 FR 6339). This final rule also delegates additional authorities to CDRH officials in the Office of Compliance and Surveillance.

**EFFECTIVE DATE:** November 9, 1990.

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

**SUPPLEMENTARY INFORMATION:** FDA is amending seven delegations of authority under 21 CFR part 5, relating to functions assigned to CDRH to delegate additional authorities to CDRH officials in the Office of Compliance and Surveillance. The redelegation is designed to make the CDRH approval process more efficient.

FDA is adding the Director, Division of Standards Enforcement, Office of Compliance and Surveillance to the list of officials authorized to act in § 5.37 *Issuance of reports of minor violations* (21 CFR 5.37), paragraph (b); § 5.89 *Notification of defects in, and repair or replacement of, electronic products* (21 CFR 5.89), paragraph (b); and § 5.91 *Dealer and distributor direction to provide data to manufacturers of electronic products* (21 CFR 5.91).

Also, FDA is adding the Director, Division of Compliance Operations, Office of Compliance and Surveillance, to the list of officials authorized to act in § 5.45 *Imports and exports* (21 CFR 5.45), paragraph (e).

Finally, FDA is adding the Director, and Deputy Director, Office of Compliance and Surveillance to the list of officials authorized to act in § 5.46 *Manufacturer's resident import agents* (21 CFR 5.46); § 5.59 *Approval, disapproval, or withdrawal of approval of applications for investigational device exemptions* (21 CFR 5.59), paragraph (a); and § 5.89 *Notification of defects in, and repair or replacement of, electronic products* (21 CFR 5.89), paragraph (a).

In addition, FDA is changing the name of the Office of Compliance, CDRH, to the Office of Compliance and Surveillance, CDRH, in the 12 regulations in which the former name appears.

Further redelegation of the authority is not authorized. 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, 21 CFR part 5 is amended to read 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, App. 2; 7 U.S.C. 2271; 15 U.S.C. 638, 1261–1282, 3701–3711a; secs. 2–12 of the Fair Packaging and Labeling Act (15 U.S.C. 1451–1461); 21 U.S.C. 41–50, 61–63, 141–149, 467f, 679(b), 801–886, 1031–1309; secs 201–903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321–393); 35 U.S.C. 156; secs. 301, 302, 303, 307, 310, 311, 351, 352, 354–360F, 361, 362, 1701–1706, 2101 of the Public Health Service Act (42 U.S.C. 241, 242, 242a, 242l, 242n, 243, 262, 264, 263b–263n, 263, 265, 300u–300u–5, 300aa–1); 42 U.S.C. 1395y, 3246b, 4332, 4831(a), 10007–10008; E.O. 11490, 11921, and 12591.

2. Section 5.22 is amended by revising paragraphs (a)(9)(iii) and (a)(9)(iv) to read as follows:

**§ 5.22 Certification of true copies and use of Department seal.**

(a) * * *

(9) * * *

(iii) The Director and Deputy Director, Office of Compliance and Surveillance, CDRH.

(iv) The Director, Division of Compliance Operations, Office of Compliance and Surveillance, CDRH.

* * * * *

3. Section 5.23 is amended by revising paragraphs (c)(2) and (c)(3) to read as follows:

**§ 5.23 Disclosure of official records.**

* * * * *

(c) * * *

(2)The Director and Deputy Director, Office of Compliance and Surveillance, CDRH.

(3) The Director, Division of Product Surveillance, Office of Compliance and Surveillance, CDRH.

* * * * *

4. Section 5.37 is amended by revising paragraphs (a)(2)(ii), (a)(2)(iii), (b)(2) and (b)(3), by redesignating paragraph (b)(4) as paragraph (b)(5), and by adding new paragraph (b)(4) to read as follows:

**§ 5.37 Issuance of reports of minor violations.**

(a) * * *

(2) * * *

(ii) The Director and Deputy Director, Office of Compliance and Surveillance, CDRH.

(iii) The Director, Division of Compliance Operations, Office of Compliance and Surveillance, CDRH

* * * * *

(b) * * *

(2) The Director and Deputy Director, Office of Compliance and Surveillance, CDRH.

(3) Director, Division of Compliance Operations, Office of Compliance and Surveillance, CDRH.

(4) The Director, Division of Standards Enforcement, Office of Compliance and Surveillance, CDRH.

* * * * *

(5) Section 5.45 is amended by revising paragraphs (b) introductory text, (b)(4), (c)(2), and (e)(1)(ii), by redesignating paragraphs (e)(1)(iii) and (e)(1)(iv) as paragraph (e)(1)(iv) and (e)(1)(v) respectively, and by adding new paragraph (e)(1)(iii) to read as follows:

**§ 5.45 Imports and exports.**

* * * * *

(b) The Director and Deputy Director, Center for Devices and Radiological Health (CDRH); the Director and Deputy Director, Office of Compliance and Surveillance, CDRH; Regional Food and Drug Directors; District Directors; and the Director, St. Louis Branch, are authorized, under section 360 of the Public Health Service Act (PHSA), to perform the following functions or to designate officials to:

* * * * *

(4) Refuse or grant permission and time extensions to bring noncomplying products into compliance with the PHSA in accordance with a corrective action plan approved by the Director, Office of Compliance and Surveillance, CDRH.

(c) * * *

(2) The Director and Deputy Director, Office of Compliance and Surveillance, CDRH.

* * * * *

(e) * * *

(1) * * *

(ii) The Director and Deputy Director, Office of Compliance and Surveillance, CDRH.

(iii) The Director, Division of Compliance Operations, Office of Compliance and Surveillance, CDRH.

* * * * *

6. Section 5.46 is revised to read as follows:

**§ 5.46 Manufacturer's resident import agents.**

The Director and Deputy Director, Center for Devices and Radiological Health (CDRH) and the Director and Deputy Director, Office of Compliance and Surveillance, CDRH, are authorized to reject manufacturer's designations of import agents under § 1005.25(b) of this chapter.

7. Section 5.47 is amended by revising paragraph (a)(2) to read as follows:

**§ 5.47 Detention of adulterated or misbranded medical devices.**

* * * * *

(a) * * *

(2) The Director and Deputy Director, Office of Compliance and Surveillance, CDRH.

* * * * *

8. Section 5.59 is amended by revising paragraphs (a)(1) and (b) to read as follows:

**§ 5.59 Approval, disapproval, or withdrawal of approval of applications for investigational device exemptions.**

(a) * * *

(1) The Director and Deputy Director, Center for Devices and Radiological Health (CDRH), the Director, Deputy Director, and Associate Director, Office of Device Evaluation, CDRH, and the Director and Deputy Director, Office of Compliance and Surveillance, CDRH.

* * * * *

(b) For medical devices assigned to their respective divisions, the Division Directors, Office of Device Evaluation, CDRH, are authorized to approve, disapprove, or withdraw approval of applications for investigational device exemptions submitted under section 520(g) of the act.

9. Section 5.86 is amended by revising paragraph (b) to read as follows:

**§ 5.86 Variances from performance standards for electronic products.**

* * * * *

(b) The Director and Deputy Director, Office of Compliance and Surveillance, CDRH.

* * * * *

10. Section 5.87 is amended by revising paragraph (b) to read as follows:

**§ 5.87 Exemption of electronic products from performance standards and prohibited acts.**

* * * * *

(b) The Director and Deputy Director, Office of Compliance and Surveillance, CDRH.

* * * * *

11. Section 5.88 is revised to read as follows:

**§ 5.88 Testing programs and methods of certification and identification for electronic products.**

The Director and Deputy Director, Center for Devices and Radiological Health (CDRH), and the Director and Deputy Director, Office of Compliance and Surveillance, CDRH, are authorized to review and evaluate industry testing programs under section 358(g) of the Public Health Service Act (the act), and to approve or disapprove alternate methods of certification and identification and to disapprove testing programs upon which certification is based under section 358(h) of the act.

12. Section 5.89 is amended by revising the introductory text of both paragraphs (a) and (b) to read as follows:

**§ 5.89 Notification of defects in, and repair or replacement of, electronic products.**

(a) The Director and Deputy Director, Center for Devices and Radiological Health (CDRH), and the Director and Deputy Director, Office of Compliance and Surveillance, CDRH, are authorized to perform all functions of the Commissioner of Food and Drugs, relating to notification of defects in, noncompliance of, and repair or replacement of or refund for, electronic products under section 359 of the Public Health Service Act (the act) and under §§ 1003.11, 1003.22, 1003.31, 1004.2, 1004.3, 1004.4, and 1004.6 of this chapter; and Regional Food and Drug Directors, District Directors, and the Director, St. Louis Branch, are authorized to perform all such functions relating to:

* * * * *

(b) The Director and Deputy Director, Office of Compliance and Surveillance, CDRH, and the Director, Division of Standards Enforcement, Office of Compliance and Surveillance, CDRH, are authorized to notify manufacturers of defects in, and noncompliance of, electronic products under section 359(e) of the act and under § 1003.11(a) of this chapter; and the chiefs of District Compliance Branches are authorized to perform all such functions relating to:

* * * * *

13. Section 5.91 is revised to read as follows:

**§ 5.91 Dealer and distributor direction to provide data to manufacturers of electronic products.**

The Director and Deputy Director, Center for Devices and Radiological Health (CDRH), the Director and Deputy Director, Office of Compliance and Surveillance, CDRH, and the Director, Division of Standards Enforcement, Office of Compliance and Surveillance, CDRH, are authorized to direct dealers and distributors of electronic products to furnish information on first purchasers of such products to the manufacturer of the product under section 360A(f) of the Public Health Service Act.

Dated: November 2, 1990.

**Ronald G. Chesemore,**

*Associate Commissioner for Regulatory Affairs.*

[FR Doc. 90–26530 Filed 11–8–90; 8:45 am]

BILLING CODE 4160-01-M

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**21 CFR Part 178**

**[Docket No. 89F–0481]**

## Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

**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 the safe use of polyisobutylene and isobutylene/isoprene copolymers as components of food-contact materials sterilized with a hydrogen peroxide solution. This action responds to a petition filed by Exxon Chemical Co.

**DATES:** Effective November 9, 1990; written objections and requests for a hearing by December 10, 1990.

**ADDRESSES:** 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:** Hortense S. Macon, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF–335), 200 C St. SW., Washington, DC 20204, 202–472–5690.

**SUPPLEMENTARY INFORMATION:** In a notice published in the **Federal Register** of December 6, 1989 (54 FR 50436), FDA announced that a petition (FAP 9B4176) had been filed by Exxon Chemical Co., P.O. Box 45, Linden, NJ 07036, proposing that § 178.1005 *Hydrogen peroxide solution* (21 CFR 178.1005) be amended to provide for the safe use of polyisobutylene and isobutylene/isoprene copolymers as components of food-contact materials sterilized with a hydrogen peroxide solution.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed use of the additive is safe and that the regulations should be amended in § 178.1005(e)(1) in the table by alphabetically adding a new entry as set forth below.

In accordance with § 171.1(h) 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 section. 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 10, 1990 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 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, 21 CFR 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, 402, 409, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 376).

2. Section 178.1005 is amended in the table of paragraph (e)(1) by alphabetically adding a new entry under the headings "Substances" and "Limitations" to read as follows:

**§ 178.1005 Hydrogen peroxide solution.**

* * * * *

(e) * * *

(1) * * *

| Substances | Limitations |
|---|---|
| * * * * * | |
| Isobutylene polymers. | Complying with § 177.1420 (a)(1) and (a)(2) of this chapter. |
| * * * * * | |

* * * * *

Dated: November 1, 1990.

**Fred R. Shank,**

*Director, Center for Food Safety and Applied Nutrition.*

[FR Doc. 90–26531 Filed 11–8–90; 8:45 am]

BILLING CODE 4160–01–M

## DEPARTMENT OF JUSTICE

### Bureau of Prisons

### 28 CFR Part 551

### Control, Custody, Care, Treatment and Instruction of Inmates Grooming

*CFR Correction*

In title 28 of the Code of Federal Regulations, revised as of July 1, 1990, on page 872, § 551.3 was incorrectly revised. The text printed at 55 FR 6181, February 21, 1990, was a proposed revision. The correct text of the section as published in title 28 revised as of July 1, 1989, reads as follows:

**§ 551.3 Hairpieces.**

(a) A female inmate may wear a wig or hairpiece.

(b) A male inmate may not wear an artificial hairpiece.

BILLING CODE 1505-01-D

## OFFICE OF MANAGEMENT AND BUDGET

### Office of Federal Procurement Policy

### 48 CFR Chapter 99

### Cost Accounting Standards Board; Establishment of Rules and Procedures

**AGENCY:** Cost Accounting Standards Board, Office of Federal Procurement Policy, OMB.

**ACTION:** Interim rule with request for comments.

**SUMMARY:** The Office of Federal Procurement Policy, Cost Accounting Standards Board, today establishes rules and procedures for the conduct of its operations. The Board is established pursuant to section 5 of the Office of Federal Procurement Policy Act Amendments of 1988, 41 U.S.C. 422. Section 5(f)(3) of that Act, 41 U.S.C. 422(f)(3) requires the Administrator for Federal Procurement Policy, after consultation with the Board, to prescribe rules and procedures governing actions of the Board. The Administrator today gives notice that he has consulted with the Members of the Board, and that by consensus the Board has adopted the following rules and procedures pursuant to the cited statutory authority.

**DATES:** This rule is effective November 9, 1990. Comments on the Board's interim rules must be in writing and must be received by January 8, 1991.

**ADDRESSES:** Comments should be addressed to the Office of Federal Procurement Policy, Cost Accounting Standards Board, 725 17th Street NW., room 9001, Washington, DC 20503. ATTN: CASB Docket #90–02.

**FOR FURTHER INFORMATION CONTACT:** Richard C. Loeb, Acting Executive Secretary and Counsel, Cost Accounting Standards Board (telephone: 202–395–3300).

**SUPPLEMENTARY INFORMATION:**

A. Background

Section 5 of Public Law 100–679, "The Office of Federal Procurement Policy Act Amendments of 1988" reestablished the Cost Accounting Standards Board as an independent board within the Office of Federal Procurement Policy. The Board consists of five members, including the Administrator for Federal Procurement Policy, who serves as Chairman. The Board has the exclusive statutory authority to make, promulgate, amend, and rescind cost accounting standards and interpretations thereof designed to achieve uniformity and consistency in the cost accounting practices governing measurement, assignment and allocation of costs to contracts with the United States.

Section 5(f)(3) of the Office of Federal Procurement Policy Act Amendments requires the Administrator, after consultation with the Board, to prescribe rules and procedures governing actions of the Board. The statute requires that such rules and procedures mandate that any cost accounting standard promulgated, amended, or rescinded (and interpretations thereof) shall be adopted by majority vote of the Board Members.

The rule promulgated today sets forth the operational rules and procedures of the Cost Accounting Standards Board. It does not promulgate, rescind or modify any existing Standards. Such Cost Accounting Standards, including any waivers, exemptions, interpretations, modifications, rules and regulations promulgated by the previous Cost Accounting Standards Board under the authority of section 719 of the Defense Production Act of 1950, 50 U.S.C. app. 2168, shall remain in effect unless and until amended, superseded or rescinded by the Board pursuant to the authority of section 5 of Public Law 100–679.

The public is further advised that today's rulemaking is purely administrative in nature, and in no way affects the application (including thresholds) of existing cost accounting standards to government contracts. In particular, the public is advised that § 9901.306, entitled "Standards applicability," should in no way be construed as modifying existing dollar thresholds for cost accounting standards applicability, or the application of the standards to non-defense contracts. The standards as codified at 48 CFR part 30, and 4 CFR part 331, *et seq.*, remain in full force and effect, until amended, modified or superseded by the Cost Accounting Standards Board.

The previous Cost Accounting Standards Board completed its work in establishing basic Cost Accounting Standards, and subsequently ceased operations on September 30, 1980. After that time, the General Accounting Office (GAO) sponsored the continued publication of CASB regulations (45 FR 79409 December 1, 1980). To reflect this GAO sponsorship, the heading of