EDA is adopting as a final rule 13 CFR part 302 "Designation of Areas" § 302.8 "Designation of Special Impact Areas" at paragraph (a)(3).

Under Executive Order 12291, the Department must judge whether a regulation is "major" within the meaning of section 1 of the order and therefore subject to the requirement that a Regulatory Impact Analysis be prepared. This regulation is not major because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Accordingly, neither a preliminary nor final Regulatory Impact Analysis has been or will be prepared.

This rule is exempt from all requirements of 5 U.S.C. 553 including notice and opportunity to comment and delayed effective date, because it relates to public property, loans, grants, benefits and contracts.

No other law requires that notice and opportunity for comment be given for this rule.

Since a notice and an opportunity for comment are not required to be given for the rule under section 553 of the APA (5 U.S.C. 553) or any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a), 604(a)), no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

This rule does not contain a collection of information for purposes of the Paperwork Reduction Act (Pub. L. 96–511). This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 12612.

List of Subjects in 13 CFR Part 302

Community development.

Under authority of section 701, Pub. L. 89–136, 79 Stat. 570 (42 U.S.C. 3211); Sec. 1–105, Department of Commerce Organization Order 10–4, as amended (40 FR 56703, as amended), the interim regulation amending 13 CFR part 302 which was published on December 14, 1988 (53 FR 50206), is adopted as final without changes.

Dated: April 25, 1990.

James L. Perry,

Acting Assistant Secretary for Economic Development.

[FR Doc. 90–10235 Filed 5–2–90; 8:45 am]

BILLING CODE 3510–24–M

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13 CFR Part 309

[Docket No. 91292–9292]

Electric and Gas Facilities

AGENCY: Economic Development Administration (EDA), Commerce.

ACTION: Interim rule with request for comments.

SUMMARY: This rule change will amend EDA's rule at 13 CFR 309.4 so that it conforms to the Public Works and Economic Development Act of 1965, as amended. The amended rule will clarify the statutory interpretation that it is the project, not the electric or gas energy, that is the primary focus of the requirement.

DATES: Effective Date: May 3, 1990. Submit comments by July 2, 1990.

ADDRESSES: Send comments to Joseph M. Levine, Chief Counsel, Economic Development Administration, U.S. Department of Commerce, Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues NW., room 7001, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Joseph M. Levine, (202) 377–4687.

SUPPLEMENTARY INFORMATION: EDA is amending 13 CFR 309.4 to delete references to funding primary and secondary sources of electric and gas energy, and to state instead that funding for specific projects is the primary focus of the requirement.

Section 309.4(a) is amended to delete references to primary and secondary functions of the facility;

Section 309.4(a)(2)(ii) is amended to change "through an assured supply of electrical energy" to "through the project";

Section 309.4(b) is amended to delete references to primary and secondary functions of the facility; and

Section 309.4(b)(2)(ii) is amended to change "through an assured supply of gas energy" to "through the project."

Under Executive Order 12291, the Department must judge whether a regulation is "major" within the meaning of section 1 of the order and therefore subject to the requirement that a Regulatory Impact Analysis be prepared. This regulation is not major because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Accordingly, neither a preliminary nor final Regulatory Impact Analysis has been or will be prepared.

This rule is exempt from all requirements of 5 U.S.C. 553 including notice and opportunity to comment and delayed effective date, because it relates to public property, loans, grants, benefits and contracts.

No other law requires that notice and opportunity for comment be given for this rule.

However, because the Department is interested in receiving comments from those who will benefit from the amendment, this rule is being issued as interim final. Public comments on the interim rule are invited and should be sent to the address listed in the "**ADDRESSES**" section above.

Comments received by July 2, 1990, will be considered in promulgating a final rule.

Since a notice and an opportunity for comment are not required to be given for the rule under section 553 of the APA (5 U.S.C. 553) or any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a), 604(a)), no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

This rule does not contain a collection of information for purposes of the Paperwork Reduction Act (Pub. L. 96–511).

This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 12612.

List of Subjects in 13 CFR Part 309

Community development; Grant programs—community development; Loan programs—community development; Penalties.

PART 309—GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE

1. The authority citation continues to read as follows:

Authority: Sec. 701, Pub. L. 89–136; 79 Stat. 570 (42 U.S.C. 3211); Sec. 1–105, DOC Organization Order 10–4, as amended (40 FR 56702, as amended).

2. Section 309.4 is amended by revising paragraphs (a) introductory text, (a)(2)(ii) introductory text, (b) introductory text, and (b)(2)(ii) to read as follows:

§ 309.4 Electric and gas facilities.

(a) Except for those types of facilities listed in paragraph (a)(2) of this section, no financial assistance authorized under the Act will be used to finance the cost of facilities for the generation, transmission, or distribution of electrical energy.

* * * * *

(2) * * *

(ii) Local facilities serving industrial parks or industrial commercial areas of communities which have lost or are threatened with a loss of jobs due to the interruption or curtailment, or threat thereof, of electrical supplies, or which could create new jobs through the project, providing the following requirements are met:

* * * * *

(b) Except for those types of facilities listed in paragraph (b)(2) of this section, no financial assistance authorized under the Act will be used to finance the cost of facilities for the production or transmission of gas (natural, manufactured, or mixed).

* * * * *

(2) * * *

(ii) Local facilities servicing industrial parks or industrial or commercial areas of communities which have lost or are threatened with a loss of jobs due to the interruption or curtailment or threat thereof, of gas energy supplies or which could create new jobs through the project: Provided, the following requirements are met.

* * * * *

Dated: April 25, 1990.

James L. Perry,

Acting Assistant Secretary for Economic Development.

[FR Doc. 90-10236 Filed 5-2-90; 8:45 am]

BILLING CODE 3510-24-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 177

[Docket No. 89F-0343]

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 the safe use of a copolymer of vinylidene fluoride and hexafluoropropene as an adjuvant for ethylene-vinyl acetate copolymers for food-contact use. This action responds to a petition filed by Minnesota Mining & Manufacturing Co.

DATES: Effective May 3, 1990; written objections and requests for a hearing by June 4, 1990.

ADDRESSES: 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: Marvin D. Mack, 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 September 5, 1989 (54 FR 36901), FDA announced that a food additive petition (FAP 9B4154) had been filed by Minnesota Mining & Manufacturing Co., 3M Center, St. Paul, MN 55144-1000, proposing that § 177.1350 *Ethylene-vinyl acetate copolymers* (21 CFR 177.1350) of the food additive regulations be amended to provide for the safe use of a copolymer of vinylidene fluoride and hexafluoropropene as an adjuvant for ethylene-vinyl acetate copolymers for food-contact use.

FDA has evaluated data in the petition and other relevant material. The agency concludes that these data and material establish the safety of the additive for the petitioned food-contact use, and that the regulations should be amended in § 177.1350 by adding new paragraph (a)(6) as set forth below.

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 4, 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 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 of the 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 177.1350 is amended by adding new paragraph (a)(6) to read as follows:

§ 177.1350 Ethylene-vinyl acetate copolymers.

* * * * *

(a) * * *

(6) The copolymer of vinylidene fluoride and hexafluoropropene (CAS Reg. No. 9011-17-0), containing 65 to 71

percent fluorine and having a Mooney Viscosity of at least 28, for use as a processing aid at a level not to exceed 0.2 percent by weight of ethylene-vinyl acetate copolymers.

* * * * *

Dated: April 24, 1990.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 90-10284 Filed 5-2-90; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 177

[Docket No. 89F-0051]

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 permitted fluorine content of vinylidene fluoride-hexafluoropropene copolymers, for an increase in the weight-percent of vinylidene fluoride-hexafluoropropene copolymers used as adjuvants in the production of olefin polymers, and for the use of vinylidene fluoride-hexafluoropropene copolymers in olefin polymers in contact with alcoholic foods. This action responds to a petition filed by Minnesota Mining and Manufacturing Co.

DATES: Effective May 3, 1990; written objections and requests for a hearing by June 4, 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: Richard H. White, 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 March 15, 1989 (54 FR 10727), FDA announced that a food additive petition (FAP 9B4129) had been filed by Minnesota Mining and Manufacturing Co., 3M Center, St. Paul, MN 55144-1000, proposing that § 177.1520 *Olefin polymers* (21 CFR 177.1520) be amended to provide for additional vinylidene fluoride-hexafluoropropene copolymers as adjuvants in the production of olefin polymers.

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 in the table in paragraph (b) by revising the entry for vinylidene fluoride-hexafluoropropene copolymer to increase the fluorine content of the polymers, to provide for a higher viscosity and use level, and to remove the restriction on use with alcoholic food as set forth below.

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 the 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 4, 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 anlaysis 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 of the 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 in the table in paragraph (b) by revising the entry for "Vinylidene fluoride-hexafluoropropene copolymer * * *" under the headings "Substance" and "Limitations" to read as follows:

§ 177.1520 Olefin polymers.

* * * * *

(b) * * *

Substance	Limitations
* * * * *	
Vinylidene flouride-hexafluoropropene copolymer (CAS Reg. No. 9011-17-0) having a fluorine content of 65 to 71 percent and a Mooney viscosity of a least 28, as determined by a method entitled "Mooney Viscosity," which is incorporated by reference in accordance with 5 U.S.C. 552(a). Copies are available from the Division of Food and Color Additives, Center for Food Safety and Applied Nutrition (HFF-330), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC.	For use only as an extrusion aid in the production of extruded olefin polymers at levels not to exceed 0.2 percent by weight of the polymer. The finished polymers may be used only under the conditions described in § 176.170(c) of this chapter, Table 2, under conditions of use B through H.
* * * * *	

Dated: April 25, 1990.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 90-10288 Filed 5-2-90; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 178

[Docket No. 88F-0382]

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 carbethoxymethyl diethyl phosphonate as a stabilizer in polyethylene terephthalate and related polyesters for food-contact use. This action is in response to a petition filed by Springborn Testing Institute, Inc., on behalf of Enka bv.

DATES: Effective May 3, 1990; written objections and requests for a hearing by June 4, 1990.

FOR FURTHER INFORMATION CONTACT: Marvin D. Mack, 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 January 6, 1989 (54 FR 484), FDA announced that a food additive petition (FAP 8B4087) had been filed by Springborn Testing Institute, Inc., 20 Springborn Center, Enfield, CT 06082, on behalf of Enka bv of the Netherlands, proposing that § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) be amended to provide for the safe use of carbethoxymethyl-diethyl phosphonate as a stabilizer in polyethylene terephthalate and related polyesters for food-contact use.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed use of the additive in the manufacture of polyethylene-terephthalate and related polyesters is safe, and that the regulations should be amended in § 178.2010(b) in the table by alphabetically adding a new entry as set forth below.

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 4, 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 178.2010 is amended in the table of paragraph (b) by alphabetically adding a new entry under the headings "Substances" and "Limitations" to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitations
* * * * *	
Carbethoxymethyl diethyl phosphonate (CAS Reg. No. 867-13-0).	At levels not to exceed 0.07 percent by weight of polyethylene phthalate polymers complying with § 177.1630 of this chapter.
* * * * *	

Dated: April 24, 1990.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 90-10289 Filed 5-2-90; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 444

[Docket No. 89N-0380]

Antibiotic Drugs; Neomycin Sulfate-Polymyxin B Sulfate-Hydrocortisone Otic Suspension; pH Standard

AGENCY: Food and Frug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations for neomycin sulfate-polymyxin B sulfate-hydrocortisone otic suspension to extend the pH range for the product. This action is being taken to provide for a product that is less irritating to pediatric patients.

DATES: Effective June 4, 1990; written comments, notice of participation, and request for hearing by June 4, 1990; data, information, and analyses to justify a hearing by July 2, 1990.

ADDRESSES: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm.