Attachment I

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Form Approved - OMB No. 0560-0131

CCC-8
(12-20-90)

U.S. DEPARTMENT OF AGRICULTURE
Commodity Credit Corporation

APPLICATION TO EXCHANGE EXPIRED COMMODITY CERTIFICATES FOR CASH
(For Subsequent Holders)

NOTE → *The following statements are made in accordance with the Privacy Act of 1974 (5 USC 552a). The Agricultural Act of 1949, as amended, authorizes collection of the following data. Furnishing the data is voluntary; however, without it assistance cannot be provided. The information will be used to determine eligibility for program benefits. This information may be furnished to any agency responsible for enforcing the provisions of the Act. Submitting a false claim or information may subject you to liability under criminal and civil fraud statutes, including 18 USC 286, 287, 371, 641, 1001; 15 USC 714m; and 31 USC 3729. Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of this collection of information, including suggestions for reducing this burden, to the Department of Agriculture, Clearance Officer, OIRM, Room 404-W, Washington, D.C. 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB No. 0560-0131), Washington, D.C. 20503.* ***RETURN THIS COMPLETED FORM TO THE CLAIMS AND COLLECTION DIVISION, KCCO.***

SECTION 1 - APPLICATION

A. The Commodity Credit Corporation (CCC) agrees to make payment to the undersigned applicant for the exchange of eligible expired certificates as specified in this application and in the regulations at 7 CFR Part 1470. In order to receive a payment, the undersigned applicant agrees to comply with the provisions of the application and the regulations. The undersigned applicant shall not receive more than $1,000 from CCC for the exchange of expired certificates and agrees to refund to CCC any amount which the undersigned applicant directly, or indirectly, receives from CCC which is in excess of $1,000.

B. CCC agrees to make payment to eligible applicants for the exchange of expired certificates at the following rates:

1. 85 percent of the face value if the certificate is submitted within the first 6 months after the expiration date.

2. 50 percent of the face value if the certificate is submitted within the seventh month through the eighteenth month after the expiration date

3. Certificates expired longer than 18 months are not eligible for a cash exchange.

However, in order to provide full benefits to eligible applicants whose certificates may decline in value from the date of enactment of Section 1122 of the Food, Agriculture, Conservation, Trade Act of 1990 (November 29, 1990) until the implementation of the provisions of such Act, persons who, by January 31, 1991, submit to CCC certificates with expiration dates of May 31, 1989, June 30, 1989, May 31, 1990, and June 30, 1990, shall receive payments for such certificates as if they had been submitted on November 30, 1990.

SECTION 2 - INSTRUCTIONS AND CERTIFICATE INFORMATION

A. In order for CCC to consider the undersigned applicant's request for payment for the exchange of eligible expired certificates, the applicant must:

1. Complete the requested information in Blocks 1 through 3 and Columns A through D.

2. Mail the original expired certificate(s) and **proof of purchase** of such certificates with this application on or after January 2, 1991 to the return address in Block 4.

B. Applications which are submitted without **proof of purchase** will be returned. All written applications must be postmarked by May 28, 1991. Applications postmarked after May 28, 1991, will not be accepted. All expired certificates submitted to CCC for payment shall be retained by CCC. Original holders shall continue to submit their certificates to the issuing ASCS County Office for cash exchange.

1. APPLICANT'S NAME AND ADDRESS

2. APPLICANT'S TAX ID NO.

3. PREVIOUS OWNER'S NAME AND ADDRESS

4. **RETURN TO:**

CCC Expired Certificate Exchange
Claims and Collections Division, KCCO
Post Office Box 419205
Kansas City, Missouri 64141-6205

CERTIFICATE SERIAL NUMBER — A —	CERTIFICATE FACE VALUE — B —	PURCHASE DATE (Purchased By 1/1/90) — C —	PURCHASE PRICE — D —
	$		$
	$		$
	$		$
	$		$
	$		$
	$		$

SECTION 4 - CERTIFICATION

I certify that the above information is true and accurate.

5. SIGNATURE OF APPLICANT

DATE

This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, marital status, or handicap.

[FR Doc. 91-88 Filed 1-3-91; 8:45 am]

BILLING CODE 3410-05-C

7 CFR Part 1477

Disaster Payment Program for 1989 Crops

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Interim rule.

SUMMARY: The Disaster Assistance Act of 1989 (the 1989 Act), provided assistance to eligible producers for losses of 1989 crop production due to damaging weather or related conditions in 1988 or 1989. The Food, Agriculture, Conservation, and trade Act of 1990 (1990 Act) amended the 1989 Act to provide: The total quantity of 1989 sugarcane that producers on a farm actually harvested or could have harvested shall be based on the quantity of recoverable sugar when determining disaster losses; losses of producers of any crop of valencia oranges affected by a freeze in either 1988 or 1989 shall be considered when determining eligibility for program payments and; disaster assistance for producers on the Wind River Indian Reservation, Wyoming, who suffered losses due to lack of water as the result of Indian Tribal water adjudication.

Accordingly, this interim rule amends 7 CFR part 1477 to implement these revised provisions.

DATES: This Interim rule shall become effective on January 4, 1991. However, comments received on or before February 4, 1991 will be considered in development of Final Rule. Submit comments to: Director, Cotton, Grain and Rice Price Support Division, Agricultural Stabilization and Conservation Service, USDA, P.O. Box 2415, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Charles M. Cox, Jr., Program Specialist, Cotton, Grain, and Rice Price Support Division (CGRD), Agricultural Stabilization and Conservation Service (ASCS), United States Department of Agriculture (USDA) P.O. Box 2415, Washington, DC. Telephone: (202) 382-8757.

SUPPLEMENTARY INFORMATION: This Interim rule has been revised under USDA procedures established in accordance with provisions of Executive Order 12291 and Departmental Regulation No. 1512-1 and has been classified as "not major" since the program will have an annual effect on the economy of less than $100 million. Accordingly, a final regulatory impact analysis is not necessary.

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of the law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

An Environmental Evaluation with respect to the Disaster Payment program was completed for the 1989 program. It has been determined that this action is not expected to have a significant impact on the quality of the human environment. In addition, it has been determined that this action will not adversely effect environmental factors such as wildlife habitat, water quality, air quality, and land use and appearance. Accordingly, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Due to the statutory deadlines for these provisions, this interim rule is effective upon publication. However, comments are requested and will be taken into consideration when developing the final rule.

The titles and numbers of federal assistance program assistance program to which this rule applies are: Title—Cotton—10.502; Feed Grains—10.055; Wheat—10.058; Rice—10.065; as found in the Catalog of Federal Domestic Assistance.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. Seen the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Background

The 1990 Act amended the 1989 Act to provide that disaster payments for the 1989 sugarcane crop will be based on the quantity of recoverable sugar rather than on the number of tons of sugarcane produced on the farm. Those producers who previously applied for disaster payments will have their payments recomputed and the amount due will be determined not later than February 26, 1991, based on pounds of recoverable sugar. Those producers who previously did not apply for benefits under the 1989 disaster program for sugarcane will have until January 15, 1991, to seek disaster benefits under the 1989 program for sugarcane as amended by the 1990 Act.

Producers of 1989 or 1990 crop of Valencia oranges affected by a 1989 freeze may be eligible for a disaster program payment if the producer on the farm incurred a loss of 50 percent. Those producers who applied previously for a disaster payment will have their payments recomputed not later than February 26, 1991. Producers who did not previously apply for benefits may do so until January 15, 1991.

Producers on the Wind River Indian reservation who were affected by a lack of water as a result of Indian Tribal water rights adjudication affecting producers on that portion of the Big Horn River drainage system on the Wind River reservation, Wyoming, are eligible for disaster payments. This is effective for 1990 crop of wheat, barley, oats, grass hay, and alfalfa hay. These producers may make application for program payment no later than May 27, 1991. However, the total amount of assistance is limited to $250,000.

List of Subject in 7 CFR Part 1477

Disaster payment 1989 crops.

Accordingly, 7 CFR part 1477 is amended as follows:

PART 1477—[AMENDED]

1. The authority citation for 7 CFR part 1477 is revised to read as follows:

Authority: 7 U.S.C. 1421 Note; 15 U.S.C. 714b and 714c; and Sec. 2275 of the Food, Agriculture, Conservation and Trade Act of 1990.

2. Section 1477.1 is revised to read as follows:

§ 1447.1 General statement.

This part sets forth the regulations for the Disaster Payment Programs as provided by the Disaster Assistance Act of 1989 and in section 2275 of the Food, Agriculture, Conservation and Trade Act of 1990. The purpose of the programs is to make disaster payments to eligible producers on a farm who have suffered a loss of production of crops due to damaging weather or related condition in 1988 or 1989.

3. Section 1477.18 is added to read as follows:

§ 1477.18 Computation of sugarcane losses.

(a) Losses of sugarcane shall be computed on the quantity of recoverable sugar, as determined by CCC.

(b) Producers of sugarcane who have losses of production of 1989 sugarcane, as determined under this part, who did not previously file an application for assistance under this part prior to November 28, 1990, must file an application for assistance by January 15, 1991.

4. Section 1477.19 is added to read as follows:

§ 1477.19 Valencia oranges.

(a) Producers of 1989 and 1990 crop valencia oranges affected by a 1989 freeze shall be eligible to receive assistance under this part in the same manner as producers of the 1989 crop of valencia oranges except that for purposes of § 1477.5(b)(4), the quantity of excludable production shall be 100 percent in lieu of 70 percent.

(b) Producers of valencia oranges who have losses of production of 1990 crop valencia oranges, as determined under this part, who did not previously file for assistance under this part prior to November 28, 1990 must file an application for assistance by January 15, 1991.

5. Section 1477.20 is added to read as follows:

§ 1477.20 Wind River Indian Reservation.

(a) Producers on a farm who suffered losses due to drought induced by lack of water as a result of Indian Tribal water rights adjudication affecting producers on that portion of the Big Horn River drainage system located in the Wind River Indian Reservation of Wyoming shall be eligible to receive assistance with respect to the 1990 crops of wheat, barley, oats, grass hay and alfalfa under the same terms and conditions for producers of the 1989 crops of such commodities except as follows:

(1) Such producers shall not be required to purchase multiperil crop insurance;

(2) The total amount of assistance made under this section shall be $250,000;

(3) In the event the total of the approved losses determined in accordance with this part exceeds $250,000, CCC shall make payments on a pro rata basis; and

(4) Applications must be filed by May 27, 1991.

Signed at Washington, DC on December 27, 1990.

John A Stevenson,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 91-85 Filed 1-3-91; 8:45 am]

BILLING CODE 3410-05-M

Animal and Plant Health Inspection Service

9 CFR Parts 91 and 92

[Docket No. 90-113]

Temporary Entry of Cattle From Mexico

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are adopting as a final rule, with one change, an interim rule that amended the regulations regarding importation of cattle to facilitate the temporary entry under United States Customs bond of certain cattle from Mexico that are held temporarily in quarantined feedlots in the United States and then returned to Mexico for slaughter. These cattle are exempt from certain certification and testing requirements normally applied to cattle exported to Mexico from the United States.

EFFECTIVE DATE: February 4, 1991.

FOR FURTHER INFORMATION CONTACT: Dr. Sam Richeson, Senior Staff Veterinarian, IEAS, VS, APHIS, USDA, room 759, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8144.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective on March 30, 1990, and published in the **Federal Register** on April 5, 1990 (55 FR 12632-12634, Docket 90-035), we amended the regulations in 9 CFR parts 91 and 92 that restrict the importation of cattle to allow cattle from Mexico to enter the United States for temporary feeding and return to Mexico under specified conditions. The cattle may enter the United States if they enter under United States Customs bond, are moved directly from the port of entry to a quarantined feedlot approved by the United States Department of Agriculture (USDA) and the State in which the quarantined feedlot is located, and leave the feedlot only for direct return to Mexico.

Comments on the interim rule were required to be received on or before June 4, 1990. We received 13 comments prior to this closing date. Two comments opposed the interim rule, four comments supported the rule as written, and seven comments supported the rule but requested minor technical changes to it. The comments that opposed the rule or requested changes are discussed below.

Two State animal health agencies questioned the reliability of the rule's procedures for ensuring that the temporary entry of Mexican cattle does not spread communicable animal disease in the United States.

As discussed in the interim rule, we believe that the restrictions applied to these Mexican cattle reduce their potential for spreading disease to an insignificant level, comparable to the level presented by cattle allowed entry under other regulatory requirements. The cattle are inspected at the border prior to entry, and must meet cattle fever tick certification and dipping requirements at that time. In addition the cattle must meet the certification and testing requirements of § 92.427(c) for tuberculosis and § 92.427(d) for brucellosis. After they enter the United States, the cattle must be moved in sealed trucks or railway cars, must be confined in feedlots to prevent disease transmission, and must be returned to Mexico. We believe these restrictions and the other requirements of the interim rule will prevent the spread of disease by the cattle. Therefore, no change was made in response to this comment.

Seven commenters requested a change to the rule's requirement that cattle imported from Mexico in accordance with the rule must be confined in quarantined feedlots as defined in 9 CFR 78.1. These comments were made by feedlot owners, a State Veterinarian, a cattle feeders association, a cattle growers association, and a member of the United States House of Representatives.

The definition of quarantined feedlot contained in 9 CFR 78.1 is part of the brucellosis control program, and as a Brucellosis Class Free State, Arizona does not maintain any quarantined feedlots. Therefore, these commenters requested that the rule be changed to allow cattle to be confined either at quarantined feedlots as defined in 9 CFR 78.1, or, in Brucellosis Class Free States, in State quarantined feedlots.

We agree that in addition to quarantined feedlots designated in accordance with 9 CFR 78.1, State quarantined feedlots in Brucellosis Class Free States could safely contain cattle imported in accordance with this rule until their return to Mexico. Therefore, we are amending § 92.427(e) to require that the cattle be moved directly from the port of entry to a quarantined feedlot approved in accordance with § 78.1, or, in Brucellosis Class Free States, to a feedlot under State quarantine. We are also adding provisions regarding approval of State quarantined feedlots. Approval will be granted only after a State representative or Area Veterinarian in Charge inspects the confined area and determines that all cattle confined in it will be secure and isolated from contact with all other cattle, and that there is no possibility of communicable animal diseases being mechanically transmitted from the confined area. Such State quarantined feedlots for temporarily imported Mexican cattle must contain only cattle from Mexico imported for temporary feeding and return to Mexico, and these cattle must be confined at the feedlot without opportunity for pasturing or grazing.

These cattle from Mexico can be safely confined in either a feedlot under

State quarantine or a quarantined feedlot under the Federal Brucellosis quarantine, as long as the feedlot is effectively operated and supervised to prevent the possibility of disease transmission. We believe requiring approval by the State animal health official and the Area Veterinarian in Charge for State feedlots used to confine these cattle will ensure that only feedlots that effectively confine the cattle will be used. Additional safety is provided by the requirement that the State quarantined feedlots may contain only cattle temporarily imported from Mexico in accordance with this rule, thus reducing the possibility of disease spread to other animals.

Therefore, based on the rationale set forth in the interim rule and in this document, we are adopting this final rule.

Miscellaneous

In a final rule published in the **Federal Register** on August 2, 1990 (55 FR 31484–31562, Docket No. 90–023), the regulations in 9 CFR part 92 were reorganized and renumbered. One of the effects of this reorganization is that the regulations concerning cattle temporarily imported in bond from Mexico are now located in § 92.427, rather than § 92.35. The numbering in this rule has been changed to reflect this reorganization.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprise in domestic or export markets.

This action establishes a simplified procedure for the temporary importation, feeding, and return to Mexico of Mexican cattle. The primary economic effects of this rule will be in the form of economic benefits to Mexican cattle owners, who will be able to take advantage of feeding in the United States to bring their cattle to full market weight, instead of slaughtering them before they reach full weight. Some economic benefits will also accrue to a small number (under 20) of United States quarantined feedlots, many of which are small entities, that will house and feed the cattle during their stay in the United States. A small secondary benefit may also accrue to United States importers of Mexican beef, by slightly increasing the number of full-weight Mexican cattle available for slaughter.

As an alternative to this action, we considered encouraging the owners of Mexican cattle to import feed for their cattle into Mexico; however, the importation of cattle for feeding in the United States is more economically efficient, because the feed efficiency of cattle is low. At least nine pounds of cattle feed are required to produce one pound of on-hoof beef in cattle, and the expense of importing and distributing sufficient feed for the cattle in question would be greater than the economic benefit achieved through the resulting weight gain.

We anticipate that no more than approximately 10,000 Mexican cattle will be imported this year for temporary feeding and return to Mexico in accordance with this rule. These cattle will be maintained in feedlots until their return to Mexico. The importation of 10,000 additional cattle is expected to have no significant economic impact on businesses or small entities, and will not represent significant competition for feedlot resources. In comparison, the number of cattle imported from Mexico for all purposes in 1989 was 615,087, and the number of cattle raised for slaughter in Texas (the State where most cattle imported in accordance with this rule will be held for temporary feeding) in 1988 was approximately 6,200,000.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

In accordance with section 3507 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the information collection provisions that are included in this rule will be submitted for approval to the Office of Management and Budget.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

List of Subjects

9 CFR Part 91

Animal diseases, Animal welfare, Exports, Livestock and livestock products, Transportation.

9 CFR Part 92

Animal diseases, Canada, Imports, Livestock and Livestock products, Mexico, Poultry and poultry products, Quarantine, Transportation, Wildlife.

Accordingly, 9 CFR parts 91 and 92 are amended as follows:

PART 91—INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORTATION

1. The authority citation for part 91 continues to read as follows:

Authority: 21 U.S.C. 105, 112, 113, 114a, 120, 121, 134b, 134f, 612, 613, 614, 618; 46 U.S.C. 466a, 466b; 49 U.S.C. 1509(d); 7 CFR 2.17, 2.51, and 371.2(d).

§ 91.3 [Amended]

2. In § 91.3, the second sentence of paragraph (a) is amended by adding the phrase ", except cattle from Mexico imported into the United States in bond for temporary feeding and return to Mexico," immediately following the word "Canada".

§ 91.5 [Amended]

3. In § 91.5, the introductory sentence is amended by adding the phrase ", except cattle from Mexico imported into the United States in bond for temporary feeding and return to Mexico," immediately following the word "cattle".

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

1. The authority citation for part 92 continues to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 134a, 134b, 134c, 134d, 134f, and 135; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, and 371.2(d).

2. In § 92.400, the following definition is added in alphabetical order:

§ 92.400 Definitions.

* * * * *

Moved directly by land. Moved by rail, truck, or other land vehicle without unloading and without stopping except for refueling, or for traffic conditions such as traffic lights or stop signs.

* * * * *

3. In § 92.427, paragraphs (e)(1)(i) through (e)(1)(iii) are revised to read as follows:

§ 92.427 Cattle from Mexico.

* * * * *

(e) * * *

(1) * * *

(i) Are moved directly by land from the port of entry to a quarantined feedlot approved in accordance with § 78.1 of this chapter; or, in a Brucellosis Class Free State, to a State quarantined feedlot for temporarily imported Mexican cattle approved by the State animal health official and the Area Veterinarian in Charge. Approval will be granted only after a State representative or the Area Veterinarian in Charge inspects the feedlot and determines that cattle confined in it will be secure and isolated from contact with all other cattle, and that there is no possibility of communicable animal diseases being mechanically transmitted from the confined area. The State quarantined feedlot shall contain only cattle from Mexico imported for temporary feeding and return to Mexico, with no provision for pasturing or grazing.

(ii) Are removed from the feedlot only to be moved directly to a Mexican port of entry for return to Mexico for slaughter; and

(iii) Are moved directly by land from the port of entry to the feedlot, and from the feedlot to the Mexican port of entry, only in trucks or railway cars sealed with a seal applied by a United States Department of Agriculture inspector.

* * * * *

Done in Washington, DC, this 27th day of December 1990.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 91-37 Filed 1-3-91; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 176

[Docket No. 89F-0450]

Indirect Food Additives; Paper and Paperboard Components

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 poly(isobutene)/maleic anhydride, diethanolamine reaction product as a surfactant for dispersions of polyacrylamide retention and drainage aids used in the manufacture of paper and paperboard intended to contact aqueous and fatty foods. This action is in response to a petition filed by ICI Americas, Inc.

DATES: Effective January 4, 1991; written objections and requests for a hearing by February 4, 1991.

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: Daniel N. Harrison, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St., SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of November 17, 1989 (54 FR 47828), FDA announced that a food additive petition (FAP OB4178) had been filed by ICI Americas, Inc., Concord Pike and Murphy Rd., Wilmington, DE 19897, proposing that § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) be amended to provide for the safe use of poly(isobutene)/maleic anhydride, diethanolamine reaction product as a surfactant in the preparation of polyacrylamide retention and drainage aids used in the manufacture of paper and paperboard intended to contact aqueous and fatty foods.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed food additive use is safe, and that 21 CFR 176.170(a)(5) should be amended 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 February 4, 1991, 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 176

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 176 is amended as follows:

PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

1. The authority citation for 21 CFR part 176 continues to read as follows:

Authority: Secs. 201, 402, 406, 409, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 346, 348, 376).

2. Section 176.170 is amended in paragraph (a)(5) by alphabetically adding a new entry to the table to read as follows:

§ 176.170 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(a) * * *

(5) * * *

List of substances	Limitations
* * * * *	
Poly(isobutene)/maleic anhydride adduct, diethanolamine reaction product. The mole ratio of poly(isobutene)/maleic anydride adduct to diethanolamine is 1:1.	For use only as a surfactant for dispersions of polyacrylamide retention and drainage aids employed prior to the sheet formation operation in the manufacture of paper and paperboard.
* * * * *	

* * * * *

Dated: December 26, 1990.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 91-102 Filed 1-3-91; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 946

Virginia Regulatory Program; Ownership and Control Data; Improvidently Issued Permits

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

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is announcing approval of a proposed amendment to the Virginia permanent regulatory program (hereinafter referred to as the Virginia program) approved under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment defines the term "ownership and control;" details additional requirements concerning the reporting of violations, ownership and control data, and the effect of that information on various permitting decisions; and provides criteria and procedures for the identification and rescission of improvidently issued permits. The proposed amendment also changes the definition of "operator." The amendment is intended to revise the State program to be consistent with the corresponding Federal standards, and to clarify and correct inconsistencies in Virginia's rules.

EFFECTIVE DATE: January 4, 1991.

FOR FURTHER INFORMATION CONTACT: Mr. Robert A. Penn, Director, Big Stone Gap Field Office, Office of Surface Mining Reclamation and Enforcement, P.O. Drawer 1216, Powell Valley Square Shopping Center, Room 220, Route 23, Big Stone Gap, Virginia 24219; Telephone: (703) 523-4303.

SUPPLEMENTARY INFORMATION:

I. Background on the Virginia Program

The Secretary of the Interior conditionally approved the Virginia program on December 15, 1981. Information pertinent to the general background and revisions to the proposed Virginia program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval, can be found in the December 15, 1981, **Federal Register** (46 FR 61085). Subsequent actions concerning the conditions of approval and proposed amendments are identified at 30 CFR 946.12, 946.13, 946.15, and 946.16.

II. Submission of Amendment

By letter dated June 29, 1990 (Administrative Record No. VA-752), Virginia submitted amendment No. VA-0003 in response to May 11, 1989, and November 17, 1989, letters from OSM (Administrative Record Nos. VA-726 and VA-743) in accordance with 30 CFR part 732 and in response to a required amendment under 30 CFR 946.16(a) (55 FR 3738, February 5, 1990). The May 11, 1989, Part 732 letter (Administrative Record No. VA-726) requires certain provisions of the State program to be updated for consistency with Federal regulations relating to ownership and control and permit rescission criteria and procedures promulgated through April 28, 1989. Virginia proposes to amend the following sections of the Virginia Regulations (VR): Section 480-03-19.700.5, Definitions; section 480-03.19.773.15 (b)(1), (b)(1)(ii), (b)(2), (b)(3), and (e), Review of Permit Applications; section 480-03-19.773.17 (h), (h)(1), and (h)(2), Permit Conditions; section 480-03-19.778.13, 778.13 (b), (b) (1-3), (c), (c) (1-5), (d), (d)(1), (d)(2), (j), and (k), Identification of Interests; section 480-03-19.778.14, 778.14 (c), (c)(1), and (d), Violation Information; section 480-03-19.843.11(g), Cessation Orders; and section 480-03-19.843.13 (Revised Title), Suspension or Revocation of Permits: Pattern of Violations.

Virginia proposes to add: section 480-03-19.773.20, Improvidently Issued Permits: General Procedures; and section 480-03-19.773.21, Improvidently Issued Permits: Rescission Procedures.

OSM announced receipt of the proposed amendment in the August 7, 1990, **Federal Register** (55 FR 32100) and in the same notice opened the public comment period and provided opportunity for a public hearing on the adequacy of the proposed amendment. The comment period closed on September 6, 1990.

By letter dated October 18, 1990 (Administrative Record No. VA-776), Virginia submitted additional information to both support and modify its proposed amendment. The additional information was submitted in response to an issue letter dated September 24, 1990, from OSM (Administrative Record No. VA-767). OSM announced receipt of the revisions to the previously proposed amendment in the November 19, 1990, **Federal Register** (55 FR 48136) and in the same notice, reopened the public comment period. The comment period closed on December 4, 1990.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the proposed amendment to the Virginia program.

1. VR 480-03-19.700.5 Definitions

Virginia proposes to revise the definition for "operator" and add a new definition for the phrases "owned or controlled" and "owns or controls." The language of these definitions is identical to the Federal definitions at 30 CFR 701.5 and 773.5. Therefore, the Director finds the proposed definitions to be no less effective than the corresponding Federal definitions.

2. VR 480-03-19.773.15 Review of Permit Applications

(a) *Review of violations.* Virginia proposes to revise subsection .15(b)(1) to prohibit the unconditional issuance of a permit when the applicant or person controlled by the applicant is currently in violation of State or Federal environmental laws or regulations. By letter of clarification dated October 18, 1990, Virginia stated that it interprets this rule as applying to unabated enforcement actions and delinquent civil penalties incurred under any State or Federal program, not just those actions and penalties issued by OSM or Virginia (Administrative Record No. VA-776). Paragraph (b)(1)(ii) would establish a 30-day time limit for submittal of proof that