sodium sec-alkyl (C_{10}–C_{18}) mono- and disulfonates.

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 178.3130 and 178.3400 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 September 20, 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 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 178.3130 is amended in paragraph (b) by alphabetically adding a new entry to the table to read as follows:

§ 178.3130 Antistatic and/or antifogging agents in food-packaging materials.

* * * * *

(b) * * *

List of substances	Limitations
* * *	* *
Sodium sec-alkyl mono- and disulfonates (alkyl group in the range of C_{10}-C_{18} with not less than 50 percent C_{14}-C_{16}).	As an antistatic agent at levels not to exceed 3.0 percent by weight of polystyrene or rubber-modified polystyrene complying with § 177.1640(c) of this chapter under conditions of use B through H described in Table 2 of § 176.170(c) of this chapter.

3. Section 178.3400 is amended in paragraph (c) by alphabetically adding a new entry to the table to read as follows:

§ 178.3400 Emulsifiers and/or surface-active agents.

* * * * *

(c) * * *

List of substances	Limitations
* * *	* *
Sodium sec-alkyl mono- and disulfonates (alkyl group in the range of C_{10}-C_{18} with not less than 50 percent C_{14}-C_{16}).	As an emulsifier and/or surface-active agent at levels not to exceed 3.0 percent by weight of polystyrene or rubber-modified polystyrene complying with § 177.1640(c) of this chapter under conditions of use B through H described in Table 2 of § 176.170(c) of this chapter.
* * *	* *

* * * * *

Dated: August 13, 1991.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 91-19966 Filed 8-20-91; 8:45 am]

BILLING CODE 4160-01-M

CENTRAL INTELLIGENCE AGENCY

32 CFR Part 1904

Procedures Governing Acceptance of Service of Process

AGENCY: Central Intelligence Agency.

ACTION: Final regulation.

SUMMARY: The Central Intelligence Agency (CIA) is publishing this regulation to inform the public of the CIA's procedures for acceptance of service of process in matters involving the CIA or its employees in their official, individual, or combined official and individual capacities. This regulation sets forth the CIA's procedures for acceptance of process in person or by registered or certified mail.

EFFECTIVE DATE: August 21, 1991.

FOR FURTHER INFORMATION CONTACT: W. George Jameson, Associate General Counsel, Central Intelligence Agency, Washington, DC 20505. Telephone (703) 874-3118.

SUPPLEMENTARY INFORMATION: This regulation is promulgated to further implement section 102(d)(3) of the National Security Act of 1947, 50 U.S.C. 403(d)(3), which provides that the Director of Central Intelligence shall be responsible for the protection of intelligence sources and methods from unauthorized disclosure, and section 6 of the CIA Act of 1949, 50 U.S.C. 403g, which provides that the CIA shall be exempted from the provisions of any law which requires the publication or disclosure of the organization, functions, names, official titles, salaries or numbers of personnel of the CIA.

List of Subjects in 32 CFR Part 1904

Central Intelligence Agency; Courts, Service of Process.

Accordingly, title 32 of the Code of Federal Regulations is amended by adding a new part 1904 as follows:

PART 1904—PROCEDURES GOVERNING ACCEPTANCE OF SERVICE OF PROCESS

Authority: 50 U.S.C. 403g; 50 U.S.C. 403(d)(3); E.O. 12333 sections 1.8(h), 1.8(i), 3.2.

§ 1904.1 Scope and purpose.

(a) This part sets forth the limits of authority of CIA personnel to accept service of process on behalf of the CIA or any CIA employee.

(b) This part is intended to ensure the orderly execution of the Agency's affairs and not to impede any legal proceeding.

(c) CIA regulations concerning employee responses to demands for production of official information in proceedings before federal, state, or local government entities are set out in Part 1905 of this chapter.

§ 1904.2 Definitions.

(a) *Agency* or *CIA* means the Central Intelligence Agency and include all staff elements of the Director of Central Intelligence.

(b) *Process* means a summons, complaint, subpoena, or other official paper (except garnishment orders) issued in conjunction with a proceeding or hearing being conducted by a federal, state, or local governmental entity of competent jurisdiction.

(c) *Employee* means any CIA officer, any staff, contract, or other employee of CIA, any person including independent contractors associated with or acting for or on behalf of CIA, and any person formerly having such a relationship with CIA.

(d) *General Counsel* includes the Deputy General Counsel or Acting General Counsel.

§ 1904.3 Procedures governing acceptance of service of process.

(a) Service of Process Upon the CIA or a CIA Employee in An Official Capacity.

(1) *Personal service.* Unless otherwise expressly authorized by the General Counsel, or designee, personal service of process may be accepted only by attorneys of the Office of General Counsel at CIA Headquarters in Langley, Virginia.

(2) *Mail service.* Where service of process by registered or certified mail is authorized by law, unless expressly directed otherwise by the General Counsel or designee, such process may only be accepted by attorneys of the Office of General Counsel. Process by mail should be addressed as follows: Litigation Division, Office of General Counsel, Central Intelligence Agency, Washington, DC 20505.

(b) Service of Process Upon a CIA Employee Solely in An Individual Capacity.

(1) *General.* Consistent with section 6 of the CIA Act of 1949, as amended, 50 U.S.C. 403g, CIA will not provide the name or address of any current or former employee of CIA to individuals or entities seeking to serve process upon such employee solely in his or her individual capacity, even where the matter is related to CIA activities.

(2) *Personal Service.* Subject to the sole discretion of appropriate officials of the CIA, process servers generally will not be allowed to enter CIA facilities or premises for the purpose of serving process upon any CIA employee solely in his or her individual capacity. The Office of General Counsel is not authorized to accept service of process on behalf of a CIA employee—except the Director and Deputy Director of Central Intelligence—in his or her individual capacity.

(3) *Mail Service.* Unless otherwise expressly authorized by the General Counsel, or designee, CIA personnel are not authorized to accept or forward mailed service of process directed to any CIA employee in his or her individual capacity. Any such process will be returned to the sender via appropriate postal channels.

(c) Service of Process Upon a CIA Employee in A Combined Official and Individual Capacity. Unless expressly directed otherwise by the General Counsel, or designee, any process to be served upon a CIA employee in his or her combined official and individual capacity, in person or by mail, can be accepted only by attorneys of the Office of General Counsel at CIA Headquarters in Langley, Virginia.

(d) The documents for which service is accepted in official capacity only shall be stamped "Service Accepted in Official Capacity Only." Acceptance of service of process shall not constitute an admission or waiver with respect to jurisdiction, propriety of service, improper venue, or any other defense in law or equity available under the laws or rules applicable to the service of process.

§ 1904.4 Notification to CIA Office of General Counsel.

A CIA employee who receives or has reason to expect service of process in an individual, official, or combined individual and official capacity, in a matter that may involve testimony or the furnishing of documents and that could reasonably be expected to involve Agency interests, shall promptly notify the Litigation Division, Office of General Counsel (703–874–3118). Such notification should be given prior to providing the requestor, counsel or other representative any Agency information, and prior to accepting service of process.

§ 1904.5 Authority of General Counsel.

Any questions concerning interpretation of this regulation shall be referred to the Office of General Counsel for resolution.

William H. Webster,
Director of Central Intelligence.

[FR Doc. 91-19926 Filed 8-20-91; 8:45 am]

BILLING CODE 6310-02-M

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32 CFR Part 1905

Regulations Governing the Production of Official Records or Disclosure of Official Information in Proceedings Before Federal, State, or Local Government Entities of Competent Jurisdiction

AGENCY: Central Intelligence Agency.

ACTION: Final regulation.

SUMMARY: The Central Intelligence Agency (CIA) is publishing this regulation to provide public notice of the policies and procedures that govern the responses of employees and former employees to demands for testimony or information concerning official CIA matters. This regulation sets forth the Agency's procedures for providing uniform and consistent responses to demands by courts and other entities of competent jurisdiction.

EFFECTIVE DATE: August 21, 1991.

FOR FURTHER INFORMATION CONTACT: W. George Jameson, Associate General Counsel, Central Intelligence Agency, Washington, DC 20505. Telephone (703) 874–3118.

SUPPLEMENTARY INFORMATION: This regulation is promulgated to further implement section 102(d)(3) of the National Security Act of 1947, 50 U.S.C. 403(d)(3), which provides that the Director of Central Intelligence (DCI) shall be responsible for the protection of intelligence sources and methods from unauthorized disclosure, section 6 of the CIA Act of 1949, 50 U.S.C. 403g, which provides that the CIA shall be exempted from the provisions of any law which requires the publication or disclosure of the organization, functions, names, official titles, salaries or numbers of personnel of the CIA; and applicable

CIA and DCI nondisclosure agreements. Also, this regulation is promulgated in accordance with *United States ex rel. Touhy* v. *Ragen*, 340 U.S. 462 (1951).

List of Subjects in 32 CFR Part 1905

Courts, government, employees.

Accordingly, title 32 of the Code of Federal Regulations is amended by adding a new part 1905 as follows:

PART 1905—PRODUCTION OF OFFICIAL RECORDS OR DISCLOSURE OF OFFICIAL INFORMATION IN PROCEEDINGS BEFORE FEDERAL, STATE OR LOCAL GOVERNMENTAL ENTITIES OF COMPETENT JURISDICTION

Authority: 5 U.S.C. 403(d)(3); 50 U.S.C. 403g; United States ex rel. *Touhy* v. *Ragen*, 340 U.S. 462 (1951); E.O. 12333 §§ 1.8(i), 1.5(h), 3.2; E.O. 12356; U.S. v. Snepp, 444 U.S. 507 (1980).

§ 1905.1 Scope and purpose.

This part sets forth the policy and procedures with respect to the production or disclosure of (a) material contained in the files of CIA, (b) information relating to or based upon material contained in the files of CIA, and (c) information acquired by any person while such person was an employee of CIA as part of the performance of that person's official duties or because of that person's association with CIA.

§ 1905.2 Definitions.

For the purpose of this part:

(a) *CIA* or *Agency* means the Central Intelligence Agency and includes all staff elements of the Director of Central Intelligence.

(b) *Demand* means any subpoena, order, or other legal summons (except garnishment orders) that is issued by a federal, state, or local governmental entity of competent jurisdiction with the authority to require a response on a particular matter, or a request for appearance of an individual where a demand could issue.

(c) *Employee* means any officer, any staff, contract, or other employee of CIA; any person including independent contractors associated with or acting on behalf of CIA; and any person formerly having such a relationship with CIA.

(d) *Production* or *produce* means the disclosure of:

(1) Any material contained in the files of CIA; or

(2) Any information relating to material contained in the files of CIA, including but not limited to summaries of such information or material, or opinions based on such information or material; or

(3) Any information acquired by persons while such persons were employees of CIA as a part of the performance of their official duties or because of their official status or association with CIA;

in response to a demand upon an employee of CIA.

(e) *General Counsel* includes the Deputy General Counsel or Acting General Counsel.

§ 1905.3 General.

(a) No employee shall produce any materials or information in response to a demand without prior authorization as set forth in this part. This part applies to former employees to the extent consistent with applicable nondisclosure agreements.

(b) This part is intended only to provide procedures for responding to demands for production of documents or information, and is not intended to, does not, and may not be relied upon to, create any right or benefit, substantive or procedural, enforceable by any party against the United States.

§ 1905.4 Procedure for production.

(a) Whenever a demand for production is made upon an employee, the employee shall immediately notify the Litigation Division, Office of General Counsel, Central Intelligence Agency, Washington, DC 20505 (703/874–3118), which shall follow the procedures set forth in this section.

(b) The General Counsel of CIA and Deputy Directors or Heads of Independent Offices with responsibility for the information sought in the demand, or their designees, shall determine whether any information or materials may properly be produced in response to the demand, except that the Office of General Counsel may assert any and all legal defenses and objections to the demand available to CIA prior to the start of any search for information responsive to the demand. CIA may, in its sole discretion, decline to begin any search for information responsive to the demand until a final and non-appealable disposition of any such defenses and objections raised by CIA has been made by the entity or person that issued the demand.

(c) CIA officials shall consider the following factors, among others, in reaching a decision:

(1) Whether production is appropriate in light of any relevant privilege;

(2) Whether production is appropriate under the applicable rules of discovery or the procedures governing the case or matter in which the demand arose; and

(3) Whether any of the following circumstances apply:

(i) Disclosure would violate a statute, including but not limited to the Privacy Act of 1974, as amended, 5 U.S.C. 552a;

(ii) Disclosure would be inconsistent with the statutory responsibility of the Director of Central Intelligence to protect intelligence sources and methods;

(iii) Disclosure would violate a specific CIA regulation or directive;

(iv) Disclosure would reveal classified information;

(v) Disclosure would improperly reveal trade secrets or proprietary confidential information without the owner's consent; or

(vi) Disclosure would unduly interfere with the orderly conduct of CIA's functions.

(d) If oral or written testimony is sought by a demand in a case or matter in which the CIA is not a party, a reasonably detailed description of the testimony sought, in the form of an affidavit or, if that is not feasible, a written statement, by the party seeking the testimony or by the party's attorney must be furnished to the CIA Office of General Counsel.

(e) The Office of General Counsel shall be responsible for notifying the appropriate employees and other persons of all decisions regarding responses to demands and providing advice and counsel as to the implementation of such decisions.

(f) If response to a demand is required before a decision is made whether to provide the documents or information sought by the demand, an attorney from the Office of General Counsel, after consultation with the Department of Justice, shall appear before and furnish the court or other competent authority with a copy of this Regulation and state that the demand has been or is being, as the case may be, referred for the prompt consideration of the appropriate CIA officials, and shall respectfully request the court or other authority to stay the demand pending receipt of the requested instructions.

(g) If the court or other authority declines to stay the demand pending receipt of instructions in response to a request made in accordance with § 1905.4(g), or rules that the demand must be complied with irrespective of instructions rendered in accordance with this Part not to produce the material or disclose the information sought, the employee upon whom the demand has been made shall, if so directed by the General Counsel of CIA, or designee, respectfully decline to comply with the demand under the authority of *United States ex rel. Touhy* v. *Ragen*, 340 U.S. 462 (1951), and this Regulation.

(h) With respect to any function granted to CIA officials in this Part, such officials are authorized to delegate in writing their authority in any case or matter or category thereof to subordinate officials.

(i) Any nonemployee who receives a demand for the production or disclosure of CIA information acquired because of that person's association or contacts with CIA should notify CIA's Office of General Counsel, Litigation Division (703/874–3118) for guidance and assistance. In such cases the provisions of this regulation shall be applicable.

William H. Webster,

Director of Central Intelligence.

[FR Doc. 91–19927 Filed 8–20–91; 8:45 am]

BILLING CODE 6310-02-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD1-91-015]

Drawbridge Operation Regulations; Bass River, MA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Massachusetts Department of Public Works (MDPW), the Coast Guard is changing the regulations governing the Hall Whitaker Bridge over the Bass River at mile 0.6 in Beverly, Massachusetts, by requiring that at least 24 hours advance notice is given by commercial and recreational vessels to open the bridge. This change is being made because there have been relatively few requests for openings each year. The vessels that use the waterway have requested openings 24 hours in advance for many years. This action will relieve the bridge owner of the burden of having a work crew constantly available to open the draw and still provide for the reasonable needs of navigation.

EFFECTIVE DATE: These regulations become effective on September 20, 1991.

FOR FURTHER INFORMATION CONTACT: William C. Heming, Bridge Administrator, First Coast Guard District (212) 668–7170.

SUPPLEMENTARY INFORMATION: On 27 March 1991, the Coast Guard published proposed rules in the **Federal Register** (56 FR 12695), concerning this amendment. The Commander, First Coast Guard District, also published the proposal as a Public Notice dated April 18, 1991. In each notice interested persons were given until May 17, 1991, to submit comments.

Drafting Information: The drafters of this notice are Mr. John McDonald, project officer, and Lieutenant John Gately, project attorney.

Discussion of Comments: One comment was received in favor of the proposed regulation change.

Economic Assessment and Certification: These regulations changes are considered to be non-major under Executive Order 12291 on Federal Regulation, and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact is expected to be so minimal that a full regulatory evaluation is unnecessary. This opinion is based on the fact that the regulation will not prevent the passage of vessels but just require advance notice for openings, which has been the tradition for many years. Since the economic impact of these regulations is expected to be minimal, the Coast Guard certifies that, they will not have a significant economic impact on a substantial number of small entities.

Federalism Implication Assessment: This action has been analyzed under the principles and criteria in Executive Order 12612, and it has been determined that this rule does not have sufficient federalism implications to warrant preparation of a federal assessment.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, part 117 of title 33, Code of Federal Regulations, is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g).

2. Section 117.588 is added to read as follows:

§ 117.588 Bass River.

The Hall Whitaker Bridge, mile 0.6 at Beverly, shall operate as follows:

(a) Public vessels of the United States and state or local vessels used for public safety shall be passed as soon as possible.

(b) The owners of this bridge shall provide and keep in good legible condition clearance gauges for each draw with figures not less than 12 inches high designed, installed and maintained according to the provisions of § 118.160 of this chapter.

(c) That the draw of the Hall Whitaker bridge shall open on signal if at least 24 hours notice is given by commercial and recreational vessels.

Dated: August 12, 1991.

J.D. Sipes,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 91–19997 Filed 8–20–91; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD1-91-002]

Drawbridge Operation Regulations; Neponset River, MA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Massachusetts Department of Public Works (MDPW), the Coast Guard is changing the regulations governing the Granite Avenue Bridge over the Neponset River, mile 2.5 between Boston and Milton, Massachusetts, by requiring that a 24 hour advance notice be given by commercial and recreational vessels at all times from January 1 to March 31.

This change is being made because there have been no requests to open the bridge during the above period for the last four years. This action will relieve the bridge owner of the burden of having a work crew constantly available to open the draw and still provide for the reasonable needs of navigation.

EFFECTIVE DATE: These regulations become effective on September 20, 1991.

FOR FURTHER INFORMATION CONTACT: William C. Heming, Bridge Administrator, First Coast Guard District, (212) 668–7170.

SUPPLEMENTARY INFORMATION: On February 1, 1991, the Coast Guard published proposed rules in the **Federal Register** (56 FR 4024), concerning this amendment. The Commander, First Coast Guard District, also published the proposal as a Public Notice dated March 13, 1991. In each notice interested persons were given until April 5, 1991, to submit comments.

Drafting Information: The drafters of this notice are Mr. John McDonald,