

Docket, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Mr. William Schroeder, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2148; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION: On February 21, 1992, the FAA issued AD 92-06-05, Amendment 39-8185, which was published in the Federal Register on March 17, 1992 (57 FR 9170). That AD is applicable to certain British Aerospace Model DH/BH/HS/BAe 125 series airplanes, and requires inspections of the nose landing gear (NLG) bay sidewalls to detect damage and cracks, and repair, if necessary. That action was prompted by reports of fatigue cracks found in an NLG sidewall. The requirements of the AD are intended to prevent reduced structural integrity of the fuselage and subsequent decompression of the airplane.

Since issuance of that AD, the FAA has discovered a typographical error in the applicability statement of the final rule as published. The applicability of the rule should include all Model DH/BH/HS/BAe 125 series airplanes, except the Model BAe 125-1000A series. Although the applicability was stated correctly in the notice that preceded the final rule, the phrase indicating the exclusion of the Model BAe 125-1000A was inadvertently omitted from the applicability statement of the final rule. With this inadvertent omission of the excluded model, the applicability of the current rule incorrectly applies to all models, and places an unnecessary burden upon operators whose aircraft are not subject to the addressed unsafe condition. Therefore, the applicability statement of the rule has been revised to exclude Model BAe 125-1000A series airplanes.

Since this action only corrects a typographical error in a final rule, it has no adverse economic impact and imposes no additional burden on any person. This revision does not change the economic impact information pertaining to this AD action from what was presented in the preamble to the previously-issued final rule.

Further, since the correct provisions of this rulemaking action have been subject previously to public notice and comment procedures, the FAA finds that

additional time for such procedures hereon are unnecessary.

The revised final rule is being reprinted in its entirety (as follows) for the convenience of affected operators.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulation as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-8185 (57 FR 9170, March 17, 1992), and by adding a new airworthiness directive (AD), amendment 39-8251, to read as follows:

92-06-05 R1. British Aerospace: Amendment 39-8251. Revises amendment 39-8185, AD 92-06-05. Docket 91-NM-209-AD.

Applicability: Model DH/BH/HS/BAe 125 series airplanes, except Model BAe 125-1000A series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced structural integrity of the fuselage and subsequent decompression of the airplane, accomplish the following:

(a) Prior to the accumulation of 4,000 landings, or within 60 days after the effective date of this AD, whichever occurs later, accomplish the following in accordance with British Aerospace Service Bulletin 53-73, Revision 2, dated May 18, 1991:

(1) Perform a visual inspection of the nose landing gear (NLG) bay left and right sidewalls to detect the presence of washers or spotface under nuts.

(i) If no spotface is found, perform a visual inspection to detect damage to the web caused by nuts or washers.

(ii) Blend out any damage found, excluding cracking, prior to further flight.

(2) Perform either a dye penetrant or eddy current inspection to detect cracks on the NLG bay left and right sidewalls. If cracks are found, repair prior to further flight, in a manner approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

(b) An alternate method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The inspections shall be done in accordance with British Aerospace Service Bulletin 53-73, Revision 2, dated May 18, 1991. This incorporation by reference was previously approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as of April 21, 1992 (57 FR 9170, March 17, 1992). Copies may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041-0414. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

(e) This amendment is effective April 21, 1992.

Issued in Renton, Washington, on April 28, 1992.

N. B. Martenson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-11116 Filed 5-11-92; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 176

[Docket No. 89F-0178]

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 expanded use of ethanedial, polymer with tetrahydro-4-hydroxy-5-methyl-2(1H)pyrimidinone, propoxylated as an insolubilizer for starch-based coatings in the production of paper and paperboard in contact with aqueous and fatty food. This action is in response to a petition filed by Sequa Chemicals.

DATES: Effective May 12, 1992; written objections and requests for a hearing by June 11, 1992.

ADDRESSES: Written objections may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Hortense Macon, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9500.

SUPPLEMENTARY INFORMATION: In a notice published in the *Federal Register* of June 7, 1989 (54 FR 24425), FDA announced that a food additive petition (FAP 9B4134) had been filed by Sequa Chemicals, One Sequa Dr., Chester, SC 29706-0070, 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 expanded use of ethanedial, polymer with tetrahydro-4-hydroxy-5-methyl-2(1H)pyrimidinone, propoxylated as an insolubilizer for starch-based coatings in the production of paper and paperboard in contact with aqueous and fatty food.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed increase in the permitted level of the food additive from the current 0.2 percent to 5.0 percent by weight of the coating solids is safe and that the regulations should be amended by revising the entry for ethanedial, polymer with tetrahydro-4-hydroxy-5-methyl-2(1H)pyrimidinone, propoxylated in § 176.170(b)(2) 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 11, 1992 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 of the 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 the table in paragraph (b)(2) by revising the entry for "Ethanedial, polymer with * * *" under the headings "List of Substances" and "Limitations" to read as follows:

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

List of substances	Limitations
Ethanedial, polymer with tetrahydro-4-hydroxy-5-methyl-2 (1H) pyrimidinone, propoxylated (CAS Reg. No. 118299-90-4).	For use only as an insolubilizer for starch-based coatings and limited to use at a level not to exceed 5.0 percent by weight of the coating.

Dated: May 4, 1992.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 92-11004 Filed 5-11-92; 8:45 am]

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 20

[Docket No. R-92-1605; FR-3120-F-01]

RIN 2501-AB28

Technical Amendments to the Board of Contract Appeals Regulations

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule.

SUMMARY: This final rule revises two of the Department's regulations covering the HUD Board of Contract Appeals. The first revision corrects the address and telephone number of the Board. The second revision changes one of the Board's procedural rules to permit the

filing and service of papers by facsimile transmission. This change will allow parties to actions before the Board to take advantage of current technology in filing required papers in a timely manner.

EFFECTIVE DATE: June 11, 1992.

FOR FURTHER INFORMATION CONTACT: David T. Anderson, Chairman, HUD Board of Contract Appeals, room 2131, 451 Seventh Street, SW., Washington DC 20410. Telephone number: (202) 927-5110, or (202) 708-9300 (TDD; Federal Information Relay Service). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Justification for Final Rulemaking

In general, the Department publishes a rule for public comment before issuing a rule for effect, in accordance with its own regulations on rulemaking, 24 CFR part 10. However, under part 10 notice and public procedure may be omitted for rules governing the Department's own internal practices or procedures. Because the revisions in this rule merely set out the current address and telephone number of the Department's Board of Contract Appeals and permit the filing and serving of papers by facsimile transmission, the Department is not seeking comment on these revisions.

This Final Rule

This rule is being issued to update the address and telephone number for the Department's Board of Contract Appeals, as it appears in the regulations governing the Board at 24 CFR part 20. In addition, Rule 16 of the Board's rules of procedure, set out in 24 CFR 20.10, is being revised to permit the filing and service of papers other than subpoenas by facsimile transmission. However, if a party elects to file or serve papers by facsimile transmission, the party must also promptly mail or serve the original document in the same manner that is currently specified in the rule. This change will allow parties to actions before the Board to take advantage of current technology in filing or serving required papers in a timely manner.

Other Matters

Major Rule

This rule would not constitute a "major rule" as that term is defined in section 1(b) of the Executive Order on Federal Regulations issued by the President on February 17, 1981. An analysis of the rule indicates that it would not (1) have an annual effect on the economy of \$100 million or more; (2) cause a major increase in costs or prices

for consumers, individual industries, federal, state, or local government agencies, or geographic regions; or (3) have a significant adverse effect 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.

Regulatory Flexibility Act.

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule before publication and by approving it certifies that this rule would not have a significant economic impact on a substantial number of small entities. The rule is limited to revising the regulations of the Board of Contract Appeals so that the regulations state the Board's current address and permit the filing and serving of papers by facsimile transmission.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism*, has determined that the policies contained in this rule will not have substantial direct effects on states or their political subdivisions, or the relationship between the federal government and the states, or on the distribution of power and responsibilities among the various levels of government. As a result, the rule is not subject to review under the order. The rule is limited to technical revisions of the regulations of the Board of Contract Appeals that merely set out the Board's current address and permit the filing and serving of papers by facsimile transmission.

Executive Order 12806, the Family

The General Counsel, as the Designated Official under Executive Order 12806, *the Family*, has determined that this rule would not have potential for significant impact on family formation, maintenance, and general well-being, and, thus, is not subject to review under the Order. No significant change in existing HUD policies or programs will result from promulgation of this rule, as those policies and programs relate to family concerns.

This rule was listed as Item No. 1113 in the Department's Semiannual Agenda of Regulations published on April 27, 1992 (57 FR 16816) in accordance with Executive Order 12291 and the Regulatory Flexibility Act.

List of Subjects in 24 CFR Part 20

Administrative practice and

procedure, Government contracts, Organization and functions (Government agencies).

For the reasons stated in the preamble, part 20 of title 24 of the Code of Federal Regulations is amended as follows.

PART 20—BOARD OF CONTRACT APPEALS

1. The authority citation for part 20 is revised to read as follows:

Authority: 41 U.S.C. 601-613; 42 U.S.C. 3535(d).

2. Section 20.3(a) is revised to read as follows:

§ 20.3 Organization and location of the Board.

(a) *Location.* The Board's address is U.S. Department of Housing and Urban Development, Board of Contract Appeals, room 2131, 451 Seventh Street, SW., Washington, DC 20410-0001. The telephone number is (202) 927-5110. (This is not a toll-free number.)

3. Section 20.10 is amended by revising Rule 16 to read as follows:

§ 20.10 Rules.

Preliminary Procedures

Rule 16 Filing and Service of Papers Other Than Subpoenas

Papers shall be considered filed with the Board when mailed or otherwise furnished to the Board. Papers shall be served upon parties personally or by mail, addressed to the party upon whom service is to be made. Timely filing and service by facsimile transmission (telecopier) is permissible provided that the original telecopied document is promptly mailed or served thereafter in the manner specified by this rule. Except as provided in rule 4(a), the party filing any paper with the Board shall simultaneously serve a copy of the paper upon the opposing party, and shall file a certificate of service with the Board indicating that a copy has been so served. Subpoenas shall be served as provided in rule 21.

Dated: April 30, 1992.

Jack Kemp,
Secretary.

[FR Doc. 92-10995 Filed 5-11-92; 8:45 am]

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