

asserts that commercial banks, savings associations, and credit unions are not required by their Federal regulators to disclose the amount of reimbursable expenses that they pay to their directors. The commenter also claims that the premise underlying § 611.400(c)(1) is not well founded because existing regulations and the FCA's enforcement powers are sufficient to prevent abuses. The FCC argues that the disclosure requirement in proposed § 611.400(c)(6) is "both unwarranted and an example of regulatory overkill."

The FCA disagrees with the commenter's arguments that § 611.400(c)(1) is regulatory overkill. Although the FCA often takes the approaches of other Federal bank regulatory agencies into consideration when it develops regulations, the FCA's obligation is to address particular issues in the context of statutory provisions that establish the characteristics of, and constraints on the FCS. Section 4.21 of the 1971 Act specifically limits the amount of compensation that FCS banks are authorized to pay their directors, while director compensation at other federally regulated financial institutions is not subject to similar statutory restrictions. The disclosure requirement is consistent with congressional concern over the impact of director costs on the borrower.

Reimbursable expenses are often a significant component of overall director costs. Past experience indicates that expenses may exceed compensation for some directors in the FCS. FCA believes that shareholders of FCS banks should be afforded the opportunity to review the reimbursement of expenses incurred by bank directors and to guard against excessive expenditures by their directors. Such a disclosure requirement is consistent with the shareholders' common law right to inspect the corporation's books and records, and emphasizes self-discipline, which may obviate the need for enforcement action.

The approach advocated by the FCA is consistent with the initiative for economic growth that the President of the United States unveiled on January 30, 1992. The President's initiative requires Federal agencies to review their regulations in order to: (1) Identify those regulations that impede economic growth; and (2) accelerate action on those regulations that promote growth. The President's initiative establishes five criteria for evaluating the impact of a regulation on economic growth. The FCA concludes that this regulation promotes economic growth by complying with two of these criteria. This regulation reduces reliance on

command-and-control regulatory requirements and relies on market mechanisms by enhancing shareholder ability to contain costs at FCS banks.

As stated in the preamble to the proposed rule, the FCA withdrew its proposed rule published at 52 FR 43081 (November 9, 1987) because the proposed disclosure requirements are now covered by § 620.5(i)(1) of this chapter.

List of Subjects in 12 CFR Part 611

Agriculture, Banks, banking, Rural areas.

For the reasons stated in the preamble, part 611 of chapter VI, title 12 of the Code of Federal Regulations is amended as follows:

PART 611—ORGANIZATION

1. The authority citation for part 611 is revised to read as follows:

Authority: Secs. 1.3, 1.13, 2.0, 2.10, 3.0, 3.21, 4.12, 4.15, 5.9, 5.10, 5.17, 7.0-7.13, 8.5(e) of the Farm Credit Act; 12 U.S.C. 2011, 2021, 2071, 2091, 2121, 2142, 2183, 2203, 2243, 2244, 2252, 2279a-2279f-1, 2279aa-5(e); secs. 411 and 412 of Pub. L. 100-233; 101 Stat. 1568, 1638; secs. 409 and 414 of Pub. L. 100-399, 102 Stat. 989, 1003 and 1004.

Subpart D—Rules for Compensation of Board Members

2. Section 611.400 is amended by removing the words, "district directors" and adding in their place, "bank directors" in paragraph (b) introductory text and paragraph (b)(2); by removing the words, "\$200 per day" and adding in their place, "limits established by the Farm Credit Act of 1971, as amended" in paragraph (b)(2); by adding the words "travel, subsistence, and other related" after the word "for" in paragraph (b)(3); by removing the words "and subsistence" and adding in their place, the words "subsistence, and other related" in paragraph (b)(5); by removing the words "district board" and adding in their place, the words "bank board" each place it appears in paragraphs (b) introductory text and (c) introductory text; by revising paragraph (a); and by adding a new paragraph (c)(6) to read as follows:

§ 611.400 Compensation of Bank Board members.

(a) Farm Credit System banks are authorized to pay, in accordance with section 4.21 of the Farm Credit Act of 1971, as amended, fair and reasonable compensation to directors for services performed in an official capacity. No Farm Credit System bank shall compensate any director for rendering services on behalf of any other Farm

Credit System institution or a cooperative of which the director is a member, or for performing other assignments of a nonofficial nature.

* * *

(c) * * *

(6) Such compensation and the aggregate amount of any reimbursement for expenses shall be disclosed to shareholders on an annual basis, in compliance with § 620.5(i)(1) of this chapter. Such disclosure, and any requisite reporting to the Farm Credit Administration, shall identify cash compensation paid to directors separately from the reimbursement of travel, subsistence, and other related expenses paid to each director.

Dated: September 14, 1992.

Curtis M. Anderson,
Secretary, Farm Credit Administration Board.
[FR Doc. 92-22642 Filed 9-18-92; 8:45 am]
BILLING CODE 6705-01-M

12 CFR Part 612

RIN 3052-AB08

Personnel Administration; Human Resources Policies, Retirement Plans

AGENCY: Farm Credit Administration.
ACTION: Final rule.

SUMMARY: The Farm Credit Administration (FCA) by the Farm Credit Administration Board (Board) adopts a final rule repealing the regulations in subpart A of part 612 relating to the human resources management practices, and retirement and thrift savings plans at all Farm Credit System (FCS or System) institutions. The proposed rule was published for comment on June 16, 1992, (57 FR 26787). The effect of this rule is to require System institutions to assume greater responsibility for developing human resources management policies consistent with safe and sound operation. The final regulation also makes a technical correction to § 612.2150(b)(5).

EFFECTIVE DATE: The regulation shall become effective upon the expiration of 30 days after publication in the Federal Register during which either or both Houses of Congress are in session. Notice of the effective date will be published in the Federal Register.

FOR FURTHER INFORMATION CONTACT:
Linda C. Sherman, Policy Analyst,
Regulation Development Division,
Office of Examination, Farm Credit
Administration, McLean, VA
22102-5090, (703) 883-4498, TDD (703)
883-4444,
or

Richard A. Katz, Senior Attorney,
Regulatory and Legislative Law
Division, Office of General Counsel,
Farm Credit Administration, McLean,
VA 22102-5090, (703) 883-4020, TDD
(703) 883-4444.

SUPPLEMENTARY INFORMATION: On June 16, 1992, the FCA proposed to repeal the regulations in subpart A of part 612 governing human resources management practices at all FCS institutions, including § 612.2110, which currently requires the FCA to give prior approval to the retirement and thrift savings plans in each Farm Credit System district. The FCA also proposed to make a technical correction to § 612.2150(b)(5).

Repeal of these regulations is in response to amendments in 1985 and 1990 to the Farm Credit Act of 1971 (Act). The Farm Credit Amendments Act of 1985¹ (1985 Act) established a more arms-length relationship between the System and its regulator. The FCA believes that FCS institutions should assume a more active role in formulating the human resources policies that affect their employees, because the appropriate role of the FCA as a safety and soundness regulator is to exercise regulatory and examination authority rather than operational control. Because the Food, Agricultural, Conservation, and Trade Act of 1990² (1990 Farm Bill) repealed provisions in the Act that required the FCA to approve the compensation and benefits for certain classes of System employees, agency prior approval of FCS district retirement and thrift savings plans is no longer necessary.

The FCA did not receive any comments about its proposal to repeal the regulations in subpart A of part 612. Accordingly, the FCA adopts its proposal, without change, as a final rule. Once the repeal of these regulations becomes effective, the FCA will rely upon its examination and enforcement powers under the Act to detect and prevent unsafe and unsound human resources management practices.

As noted in the preamble to the proposed regulations, FCS district retirement and thrift savings plans qualify as government pension plans under the Budget and Accounting Procedures Act of 1950, 31 U.S.C. 9502(1)(B)(iv), and section 414(d) of the Internal Revenue Code (IRC), 26 U.S.C. 424(d). Government pension plans are exempt from provisions in the Employee Retirement Income Security Act of 1974 (ERISA) that establish participation, vesting, and funding standards for

private sector pension plans (See 29 U.S.C. 1001 *et seq.*, and the IRC, 26 U.S.C. 420(c)(1), 411(e)(1) and 412(h)). As a result, Federal agencies that regulate pension plans have minimal supervisory and regulatory authority over FCS district retirement and thrift savings plans. Since FCS districts will no longer submit their retirement and thrift savings plans to the agency for prior approval, it is possible that actions taken contrary to reasonable practice are not likely to be discovered until after contractual obligations have been created. The FCA emphasizes the responsibilities of FCS institutions to continue to act in a manner that promotes the best interests of the System, its employees, and its shareholders.

The repeal of this regulation is consistent with the initiative for economic growth that the President of the United States unveiled on January 30, 1992. The President's initiative requires Federal agencies to review their regulations in order to: (1) Identify those regulations that impede economic growth; and (2) accelerate action on those regulations that promote growth. The President's initiative establishes five criteria for evaluating the impact of a regulation on economic growth. The FCA concludes that this regulation promotes economic growth by removing a command-and-control requirement and relying on market mechanisms to address human resources management practices at System institutions. In particular, removal of the prior approval requirement saves time and money and allows the banks more control over internal management decisions.

The FCA received no comment about its proposal to make a technical correction to § 612.2150(b)(5), and therefore, this revision is now adopted as a final regulation.

List of Subjects in 12 CFR Part 612

Agriculture, Banks, banking, Conflict of interests, Rural areas.

For the reasons stated in the preamble, part 612 of chapter VI, title 12 of the Code of Federal Regulations is amended to read as follows:

PART 612—PERSONNEL ADMINISTRATION

1. The authority citation for part 612 is revised to read as follows:

Authority: Secs. 5.9, 5.17, 5.19 of the Farm Credit Act; 12 U.S.C. 2243, 2252, 2254.

Subpart A—[Removed]

2. Subpart A, consisting of §§ 612.2000 through 612.2110 and the subpart heading are removed in their entirety.

Subpart B—[Amended]

3. The heading of subpart B is removed.

§ 612.2150 [Amended]

4. Section 612.2150 is amended by removing the word "of" the third place it appears, and adding in its place, the word "or" in the first sentence of paragraph (b)(5).

Dated: September 14, 1992.

Curtis M. Anderson,
Secretary, Farm Credit Administration Board.
[FR Doc. 92-22641 Filed 9-18-92; 8:45 am]
BILLING CODE 6705-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 122

[T.D. 92-90]

RIN 1515-AA95

International, Landing Rights and User Fee Airports

AGENCY: Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to set forth the circumstances in which permission to land at a landing rights airport may be denied or withdrawn and to set forth the circumstances in which status as a user fee airport may be terminated. The document also updates the list of designated user fee airports, and makes certain organizational or editorial changes to improve the layout of the regulations insofar as they deal specifically with international airports, landing rights airports and user fee airports.

EFFECTIVE DATE: November 20, 1992.

FOR FURTHER INFORMATION CONTACT: George Pruchniewski, Office of Inspection and Control (202-927-1312).

SUPPLEMENTARY INFORMATION:

Background

Part 122 of the Customs Regulations (19 CFR part 122), dealing with the entry and clearance of aircraft and their use in the transportation of persons and cargo, references three types or classes of airports at which such aircraft could land upon duly arriving from points outside the United States: international airports, landing rights airports, and user fee airports.

International airports, the majority of which are small or regional in nature,

¹ Public Law No. 99-305, 99 Stat. 1678 (1985).

² Public Law No. 101-624, 104 Stat. 3359 (1990).

are open to all aircraft for entry and clearance without charge by Customs (however, certain arrival and related user fees must be paid pursuant to part 24, Customs Regulations (19 CFR part 24)). Customs presence at such airports is required, and all aircraft arriving from foreign points have a right to land there without first obtaining Customs permission.

At landing rights airports, on the other hand, Customs must specifically give a party permission to land, which may be done either on a one-time basis, such as for a private aircraft, a charter, or other unscheduled flight, or on a recurring basis according to a fixed schedule approved by Customs, such as for a scheduled airline or a charter operator. Thus, a landing rights airport exists for the purpose of handling international traffic only to the extent that permission is specifically granted for one or more international flights to land there. Most of the major U.S. airports handling international traffic are, in fact, landing rights airports. In the case of an arrival at a landing rights airport located outside the limits of a port of entry, the owner, operator or person in charge of the aircraft given landing rights must pay any added charges incurred by Customs for inspecting the aircraft, passengers, employees and merchandise, except in the case of scheduled aircraft of a scheduled airline where a charge may be made only for the overtime expenses of Customs officers.

Unlike international airports, there is no specific requirement that landing rights airports provide office and other space, facilities and equipment, without cost, to Customs and other Federal agencies. Yet this has, nevertheless, traditionally been done on the basis (1) that the presence of Customs and other Federal officers at the airports operates as a convenience both to the airports and aircraft, as well as to the surrounding community, and (2) that Customs could deny or revoke landing rights if the facilities for clearance and inspection were adequate to ensure compliance with Federal law.

User fee airports are individually designated as such under a separate Memorandum of Agreement which is worked out between Customs and the concerned airport authority with the approval of the state governor. The Regulations contain a list of designated user fee airports. Such airports have the same landing procedures as those for landing rights airports. For a flat fee (user fee) paid by the airport to cover the salary and benefits of one full-time inspector, plus certain related costs,

Customs agrees to provide 8 hours of service every weekday, totaling 40 hours; however, any party requesting Customs overtime services is responsible for paying the full costs thereof as determined by statute. Under each Memorandum of Agreement, among other things, the user fee airport agrees to provide, at no cost to Customs, sufficient office space, utilities, office furniture and equipment, including costs for the installation and maintenance thereof.

To further improve the Regulations in part 122 regarding international, landing rights and user fee airports, Customs published a notice in the *Federal Register* (56 FR 66814) on December 26, 1991, soliciting public comment on proposed amendments which would (1) spell out the circumstances in which landing rights could be denied or withdrawn, (2) update the list of designated user fee airports and set forth the conditions under which such designation could be withdrawn, and (3) make a number of organizational and editorial changes in this overall connection. By notice published in the *Federal Register* on January 21, 1992 (57 FR 2319), a typographical error appearing in the original notice was corrected.

Discussion of Comments

Seven commenters responded to the notice of proposed rulemaking, focusing on proposed § 122.14(d) which set forth certain reasons for denying or withdrawing landing rights at a landing rights airport. All the commenters took exception to the inclusion of these criteria in the regulations, contending that proposed paragraph (d) contravened the Department of Transportation's "Cities Program", whereby new international service was promoted both to unserved as well as underserved communities by foreign carriers under specified conditions. It was generally inferred that Customs might unilaterally deny or withdraw service to a landing rights airport based on reasons that were perceived to be vague and unsubstantiated. A majority of the commenters were also concerned that after building new facilities to accommodate international travelers, as well as installing special equipment in conformance with Customs needs, the proposed section could effectively eliminate their sites as landing rights airports.

Determination

Customs has concluded that the reasons for denying or withdrawing landing rights at a landing rights airport should be included in the Regulations,

but that these reasons should be revised and restated for greater clarification and specificity, and that a right of appeal should be provided in the event landing rights are denied or withdrawn. Section 122.14 is thus changed accordingly. The inclusion of these reasons together with a right of appeal will ensure that denials or withdrawals of landing rights will not be handled in an arbitrary manner. Customs has therefore determined that the proposed amendments, with the above modifications, should be adopted. In addition, the following changes have been made: in § 122.1(f), inserting "are given permission by Customs" in place of "may be allowed"; rephrasing § 122.1(m) to make clear that a listing of designated user fee airports is published in the Regulations for informational purposes; in § 122.14(c), adding a cross reference to §§ 24.17 and 24.22(e), Customs Regulations; revising § 122.15(b) to state that the list of designated user fee airports is subject to change without notice. In this latter connection, the list of designated user fee airports appearing in § 122.15(b) is further changed by removing the Santa Teresa Airport in Santa Teresa, New Mexico, and adding Alliance Airport in Ft. Worth, Texas; and Grant County Airport in Moses Lake, Washington.

Regulatory Flexibility Act

Because this document merely clarifies existing provisions of law and regulations, pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that the proposed amendments will not have a significant economic impact on a substantial number of small entities. Accordingly, they are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in E.O. 12291. Accordingly, a regulatory impact analysis is not required.

Drafting Information

The principal author of this document was Russell Berger, Regulations and Disclosure Law Branch, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 122

Customs duties and inspections, Imports, Air carriers, Air transportation, Aircraft, Airports.

Amendments to the Regulations

For the reasons set forth in the preamble, part 122, Customs Regulations

(19 CFR part 122) is amended as set forth below.

PART 122—AIR COMMERCE REGULATIONS

1. The authority citation for part 122 is revised to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 58b, 66, 1433, 1436, 1459, 1590, 1594, 1624, 1644, 49 U.S.C. App. 1509.

2. Section 122.1 is amended by revising paragraphs (f) and (m) to read as follows:

§ 122.1 General definitions.

(f) *Landing rights airport.* A "landing rights airport" is any airport, other than an international airport or user fee airport, at which flights from a foreign area are given permission by Customs to land.

(m) *User fee airport.* A "user fee airport" is an airport so designated by Customs. Flights from a foreign area may be granted permission to land at a user fee airport rather than at an international airport or a landing rights airport. An informational listing of user fee airports is contained in § 122.15.

3. The heading of Subpart B is revised to read as follows:

Subpart B—Classes of Airports

§§ 122.34 and 122.39 [Redesignated as §§ 122.14 and 122.15]

4. Sections 122.34 and 122.39 are redesignated as §§ 122.14 and 122.15 respectively in Subpart B.

5. In newly redesignated § 122.14, paragraph (c) is revised and paragraphs (d) and (e) are added to read as follows:

§ 122.14 Landing rights airports.

(c) *Payment of expenses.* In the case of an arrival at a location outside the limits of a port of entry, the owner, operator or person in charge of the aircraft shall pay any added charges for inspecting the aircraft, passengers, employees and merchandise when landing rights are given (see §§ 24.17 and 24.22(e) of this chapter).

(d) *Denial or withdrawal of landing rights.* Permission to land at a landing rights airport may be denied or withdrawn for any of the following reasons:

(1) Appropriate and/or sufficient Federal Government personnel are not available;

(2) Proper inspectional facilities or equipment are not available at, or maintained by, the requested airport;

(3) The entity requesting services has failed to abide by appropriate instructions of a Customs officer;

(4) Reasonable grounds exist to believe that Federal rules and regulations pertaining to safety, Customs, or other inspectional activities have not been followed; or,

(5) The granting of the requested landing rights would not be in the best interests of the Government.

(e) *Appeal of denial or withdrawal.* In the event landing rights are denied or withdrawn by the district director, a written appeal of the decision may be made to the appropriate regional commissioner. If this appeal is denied, a final written appeal may be made to the Commissioner of Customs.

6. Newly redesignated § 122.15 is revised to read as follows:

§ 122.15 User fee airports.

(a) *Permission to land.* The procedures for obtaining permission to land at a user fee airport are the same procedures as those set forth in § 122.14 for landing rights airports.

(b) *List of user fee airports.* The following is a list of user fee airports designated by the Commissioner of Customs in accordance with 19 U.S.C. 58b. The list is subject to change without notice. Information concerning service at any user fee airport can be obtained by calling the airport or its authority directly.

Location	Name
Casper, Wyoming.....	Natrona County International Airport.
Columbus, Ohio.....	Rickenbacker Airport.
Fargo, North Dakota.....	Hector International Airport.
Fort Myers, Florida.....	Southwest Florida Regional Airport.
Lebanon, New Hampshire.....	Lebanon Municipal Airport.
Lehigh Valley, Pennsylvania.....	Allentown-Bethlehem-Easton Airport.
Midland, Texas.....	Midland International Airport.
Wilmington, Ohio.....	Airborne Air Park.
Fort Wayne, Indiana.....	Fort Wayne-Alien County Airport.
Morristown, New Jersey.....	Morristown Municipal Airport.
Jackson, Mississippi.....	Jackson Municipal Airport.
Rockford, Illinois.....	Greater Rockford Airport.
Waukegan, Illinois.....	Waukegan Regional Airport.
Klamath Falls, Oregon.....	Kingsley Field.
St. Paul, Alaska.....	St. Paul Airport.
Lexington, Kentucky.....	Bluegrass Airport.
Oakland, Michigan.....	Oakland-Pontiac Airport.
Yakima, Washington.....	Yakima Air Terminal.
Sanford, Florida.....	Sanford Regional Airport.
Ft. Worth, Texas.....	Alliance Airport.
Moses Lake, Washington.....	Grant County Airport.

(c) *Withdrawal of designation.* The designation as a user fee airport shall be

withdrawn under either of the following circumstances:

(1) If either Customs or the airport authority gives 120 days written notice of termination to the other party; or

(2) If any amounts due to be paid to Customs are not paid on a timely basis.

7. Section 122.33 is revised to read as follows:

§ 122.33 Place of first landing.

(a) The first landing of an aircraft entering the U.S. from a foreign area shall be:

(1) At a designated international airport (see § 122.13);

(2) At a landing rights airport if permission to land has been granted (see § 122.14); or

(3) At a designated user fee airport if permission to land has been granted (see § 122.15).

(b) Permission to land at a landing rights airport or user fee airport is not required for an emergency or forced landing (see § 122.35).

Michael H. Lane,

Acting Commissioner of Customs.

Approved: September 14, 1992.

Peter K. Nunez,

Assistant Secretary of the Treasury.

[FR Doc. 92-22698 Filed 9-18-92; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Center for Food Safety and Applied Nutrition

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority relating to general redelegations of authority from the Commissioner of Food and Drugs to certain officers of FDA, to redelegate the Commissioner's authorities under sections 1322(b) and (c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (the National Laboratory Accreditation Program) (7 U.S.C. 138a), as amended hereafter, to the Director and Deputy Director, Center for Food Safety and Applied Nutrition (CFSAN).

EFFECTIVE DATE: September 21, 1992.

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

SUPPLEMENTARY INFORMATION: FDA is amending the delegations of authority by adding new § 5.64 *Establishing standards and approving Accrediting Bodies under the National Laboratory Accreditation Program*. The delegated authorities are under sections 1322(b) and (c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (the National Laboratory Accreditation Program) (7 U.S.C. 138a), as amended hereafter. The authorities relate to establishing standards, after consultation with the Secretary of Agriculture and the Administrator of the Environmental Protection Agency, for a National Laboratory Accreditation Program and approving State agencies or private, nonprofit entities as accrediting bodies in implementing certification and quality assurance programs. The delegation excludes the authority to submit reports to Congress.

New § 5.64 redelegates the Commissioner's authorities under § 5.10(a)(34) to the Director and Deputy Director, CFSAN, because these authorities are directly related to current CFSAN operations and programs.

Further redelegation of the authorities delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Imports, Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 5 is amended as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. The authority citation for 21 CFR part 5 continues to read as follows:

Authority: 5 U.S.C. 504, 552, App. 2; 7 U.S.C. 138a, 2271; 15 U.S.C. 638, 1261-1282, 3701-3711a; secs. 2-12 of the Fair Packaging and Labeling Act (15 U.S.C. 1451-1461); 21 U.S.C. 41-50, 61-63, 141-149, 467f, 879(b), 801-886, 1031-1309; secs. 201-903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321-394); 35 U.S.C. 156; secs. 301, 302, 303, 307, 310, 311, 351, 352, 361, 362, 1701-1706, 2101 of the Public Health Service Act (42 U.S.C. 241, 242, 242a, 242l, 242n, 243, 262, 263, 264, 265, 300u-300u-5, 300aa-1); 42 U.S.C. 1395j, 3246b, 4332,

4831(a), 10007-10008; E.O. 11490, 11921, and 12591.

2. New § 5.64 is added to subpart B to read as follows:

§ 5.64 Establishing standards and approving accrediting bodies under the National Laboratory Accreditation Program.

The Director and Deputy Director, Center for Food Safety and Applied Nutrition, are authorized to perform all the functions of the Commissioner of Food and Drugs under sections 1322(b) and (c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (the National Laboratory Accreditation Program) (7 U.S.C. 138a), as amended hereafter; which relate to setting standards for the National Laboratory Accreditation Program and approving State agencies or private, nonprofit entities as accrediting bodies to implement certification and quality assurance programs in accordance with the requirements of these sections. The delegation excludes the authority to submit reports to the Congress.

Dated: September 15, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-22748 Filed 9-18-92; 8:45 a.m.]

BILLING CODE 4160-01-F

21 CFR Part 177

[Docket No. 88F-0404]

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 ethylene/1,3-phenylene oxyethylene isophthalate/terephthalate copolymer as the nonfood contact layer of laminated packaging intended for use in contact with food. This action responds to a petition filed by Mitsui Petrochemical Industries, Ltd.

DATES: Effective September 21, 1992; written objections and requests for a hearing by October 21, 1992. The Director of the Office of the Federal Register approves the incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 of certain publications in 21 CFR 177.1345, effective September 21, 1992.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., 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 St. SW., Washington, DC 20204, 202-254-9511.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of January 6, 1989 (54 FR 483), FDA announced that a food additive petition (FAP 8B4107) had been filed by Mitsui Petrochemical Industries, Ltd., Kasumigaseki Bldg., P.O. Box 90, 2-5 Kasumigaseki 3-chome, Chiyoda-Ku, Tokyo 100, Japan, proposing that § 177.1395 *Laminate structures for use at temperatures between 120 °F and 250 °F* (21 CFR 177.1395) be amended to provide for the safe use of ethylene/1,3-phenylene oxyethylene isophthalate/terephthalate copolymer as a nonfood contact layer of food packaging laminates intended for use in contact with food.

FDA has evaluated data in the petition and other relevant material and concludes that the proposed use of ethylene/1,3-phenylene oxyethylene isophthalate/terephthalate copolymer is safe. The agency further concludes that new § 177.1345 should be added to 21 CFR part 177 to set forth the identity of this additive and that § 177.1395 should be amended to prescribe the conditions for its safe use in laminated structures 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 October 21, 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