Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 457

Common Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Interim final rule.

SUMMARY: Most of the funding for delivery of the Federal crop insurance program for Fiscal Year 1995 is contained within the Federal Crop Insurance Reform Act of 1994. Although the Reform Act is moving through Congress, it has not yet been enacted and the fall planted crop cancellation date is approaching. Although Federal Programs are, by law, subject to the availability of appropriations, that is not explicitly stated in the regulations. This rule makes it clear that continuation of crop insurance policies reinsured by FCIC are subject to the availability of appropriations.

DATES: Effective date: This rule is effective August 31, 1994.

Comments should be submitted by November 7, 1994.

ADDRESSES: Written comments on this interim final rule should be sent to Mari L. Dunleavy, Regulatory and Procedural Development Staff, Federal Crop Insurance Corporation USDA, Washington, D.C. 20250 or delivered to Suite 500, 2101 L Street, N.W., Washington, D.C.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Executive Order 12866 and Departmental Regulation 1512–1. This action does not constitute a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations remains January 1, 1996.

This rule has been determined to be "not-significant" for purposes of Executive Order 12866 and therefore has not been reviewed by the Office of Management and Budget (OMB).

It has been determined under section 6(a) of the Executive Order 12612, Federalism that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The policies and procedures contained in this rule will not have substantial direct effects on states or their political subdivisions, or on the distribution of power and responsibilities among the various levels of government.

This action will not have a significant economic impact on a substantial number of small entities. The rule would not increase the amount of work required by reinsured companies and their agents, and provides a mechanism for the uninterrupted coverage to the policyholders. Therefore, this action is determined to be exempt from the provisions of the Regulatory Flexibility Act and no Regulatory Flexibility Analysis was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

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

The Office of the General Counsel determined that these regulations meet the applicable standards provided in subsections 2(a) and 2(b)(2) of Executive Order 12778. The provisions of this rule will preempt state and local laws to the extent such state and local laws are inconsistent herewith. The administrative appeal provisions located at 7 CFR part 400, subpart J must be exhausted before judicial action may be brought.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

It has been determined that an emergency situation exists requiring immediate effectiveness of the rule without the opportunity for public notice and comment. If all fall planted crop insurance policies were canceled and then rewritten when sufficient funds were available, it would require a significant increase in time and inconvenience on the part of the policyholder and the company.

Most of the funding for delivery of the Federal crop insurance program for Fiscal Year 1995 is contained within the Federal Crop Insurance Reform Act of 1994 and the 1995 Fiscal Year Agricultural Appropriation Act. Although both are moving through Congress, they have not yet been enacted and the fall planted crop cancellation date is approaching. Therefore, insurance companies have been put in a position where they may soon be required to cancel fall planted crop insurance policies. This rule provides that the policies effectiveness depends on appropriations. Every crop insurance policy reinsured by FCIC contains a provision that states that all provisions of the policy and the rights and responsibilities of the parties are specifically subject to the Federal Crop Insurance Act (the "Act"). Since funds to deliver the Federal crop insurance program are authorized by the Act, if insufficient funds are appropriated under the Act, the policies would be rendered ineffective. Therefore, this rule does not materially change any term or provision of the policy, nor any provision of law.

FCIC is soliciting written public comment on this interim final rule for 60 days following its publication. This rule will be scheduled for review so that any amendment to the rule required as a result of such public comment may be published as quickly as possible.

Written comments received pursuant to this rule will be made available for public inspection and copying in suite 500, 2101 L Street N.W., Washington, D.C. during regular business hours, Monday through Friday.

List of Subjects in 7 CFR Part 457

Crop insurance.

Interim Final Rule

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby proposes to amend the Common Crop Insurance Regulations for the 1995 crop year only (7 CFR part 457) as follows:

1. The authority citation for 7 CFR part 457 continues to read as follows:

Authority: 7 U.S.C. 1506, 1516.

2. 7 CFR part 457 is amended by adding a new § 457.9 to read as follows:

§ 457.9 Appropriation contingency.

Notwithstanding the cancellation date stated in the policy, if there are insufficient funds appropriated by the Congress to deliver the crop insurance program, the policy will automatically terminate without liability.

Done in Washington, D.C. on August 31, 1994.

Robert Fenton,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 94–21908 Filed 8–31–94; 4:24 pm]

BILLING CODE 3410–08–M

FARM CREDIT ADMINISTRATION

12 CFR Parts 611, 618, and 620

RIN 3052–AB42

Organization; General Provisions; Disclosure to Shareholders; Effective Date

AGENCY: Farm Credit Administration.

ACTION: Notice of effective date.

SUMMARY: The Farm Credit Administration (FCA) published a final regulation under parts 611, 618, and 620 on July 22, 1994 (59 FR 37406). The final regulation amends 12 CFR parts 611, 618, and 620 to reflect changes to the Farm Credit Act of 1971 made by the Farm Credit Banks Safety and Soundness Act of 1992, and amends the annual report disclosure rules for director reimbursable expenses to address concerns raised by Farm Credit banks regarding the equity and regulatory burden of the existing rule. Additionally, the regulation amends the disclosure requirements for senior officer compensation to make the disclosures more informative and useful to shareholders. In accordance with 12 U.S.C. 2252, the effective date of the final rule is 30 days from the date of publication in the **Federal Register** during which either or both Houses of Congress are in session. Based on the records of the sessions of Congress, the effective date of the regulations is August 22, 1994.

EFFECTIVE DATE: The regulation amending 12 CFR parts 611, 618, and 620 published on July 22, 1994 (59 FR 37406) is effective August 22, 1994.

FOR FURTHER INFORMATION CONTACT: Laurie A. Rea, Policy Analyst, Office of Examination, Farm Credit Administration, McLean, Virginia 22102–5090, (703) 883–4498, TDD (703) 883–4444,

or

Joy E. Strickland, Senior Attorney, Office of General Counsel, Farm Credit Administration, McLean, Virginia 22102–5090, (703) 883–4020, TDD (703) 883–4444.

(12 U.S.C. 2252(a) (9) and (10))

Dated: August 30, 1994.

Curtis M. Anderson,

Secretary, Farm Credit Administration Board.

[FR Doc. 94–21878 Filed 9–2–94; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 93–AWA–10]

Revocation of the Sacramento, Mather AFB, CA, Class C and Class E Airspace Areas and Revision of the Sacramento, McClellan AFB, CA, Class C Airspace Area and the Sacramento Executive Airport, CA, Class D Airspace Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This document contains a correction to the final rule published on August 9, 1994, which incorporated a revision to the Sacramento Executive Airport, CA, Class D airspace area. The correct revision to the Sacramento Executive Airport, CA, Class D airspace area was reflected in Airspace Docket No. 94–AWP–13, published on May 27, 1994, which became effective August 18, 1994. Because this action was inadvertently included in Airspace Docket No. 93–AWA–10, we find it necessary to remove the airspace designation from the final rule.

EFFECTIVE DATE: September 6, 1994.

FOR FURTHER INFORMATION CONTACT: Norman W. Thomas, Airspace and Obstruction Evaluation Branch (ATP–240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–9250.

SUPPLEMENTARY INFORMATION: On August 9, 1994, the FAA published a final rule that removed the Class C and Class E airspace areas at Mather Air Force Base (AFB) Sacramento, CA, due to the closure of Mather AFB on May 15, 1993 (59 FR 40465). The rule also altered the Sacramento, McClellan AFB, CA, Class C airspace area and the Sacramento Executive Airport, CA, Class D airspace area. The correct revision to the Sacramento Executive Airport, CA, Class D airspace area was reflected in Airspace Docket No. 94–AWP–13, published on May 27, 1994, which became effective on August 18, 1994 (59 FR 27451). Because this action was inadvertently included in Airspace Docket No. 93–AWA–10, we find it necessary to remove the airspace designation from the final rule.

Correction of Final Rule

Accordingly, pursuant to the authority delegated to me, the publication in the **Federal Register** on August 9, 1994 (59 FR 40465; **Federal Register** Document 94–19406) is corrected by removing the amendment to the Sacramento Executive Airport, CA, Class D airspace area designation.

Issued in Washington, DC, on August 24, 1994.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 94–21884 Filed 9–2–94; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 178

[Docket No. 90F–0036]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of boric acid as a stabilizer in ethylene-vinyl acetate-vinyl alcohol copolymers intended for use in contact with food. This action is in response to a petition filed by Nippon Synthetic Chemical Industry Co., Ltd.

DATES: Effective September 6, 1994; written objections by October 6, 1994.

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: Hortense S. Macon, Center for Food

Safety and Applied Nutrition (HFS–216), 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 February 28, 1990 (55 FR 7032), FDA announced that a petition (FAP 0B4188) had been filed by Nippon Chemical Industry Co., Ltd., 9–6, Nozaki-Cho, Kita-Ku, Osaka, Japan. The petition proposed to amend the food additive regulations in § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) to provide for the safe use of boric acid as a stabilizer in ethylene-vinyl acetate-vinyl alcohol copolymers intended for use in contact with food.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed additive use is safe, and that 21 CFR 178.2010 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 October 6, 1994, 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, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 379e).

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

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitations
* * * * * * *	
Boric acid (CAS Reg. No. 10043–35).	For use only at levels not to exceed 0.16 percent by weight of ethylene-vinyl acetate-vinyl alcohol copolymers complying with § 177.1360(a)(3) and (d) of this chapter.
* * * * * * *	

Dated: August 24, 1994.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 94–21836 Filed 9–2–94; 8:45 am]

BILLING CODE 4160–01–F

21 CFR Parts 558 and 573

[Docket No. 86F–0060]

Food Additives Permitted in Feed and Drinking Water of Animals; Selenium; Stay of the 1987 Amendments; Reassessment

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is confirming the continued validity of the stay of the 1987 amendments to the selenium food additive regulations. The amendments provided for an increase in the maximum supplementation level of selenium in animal feeds. On September 13, 1993 (58 FR 47962), the Food and Drug Administration (FDA) stayed the 1987 amendments to the selenium food additive regulations. In that document the agency stated that it intended to reassess the decision to stay the amendment of the regulation, based on the progress of the needed research on selenium, by September 13, 1994, and as needed thereafter. The agency has determined that sufficient progress has been made and is issuing this document to confirm the continued validity of the stay.

EFFECTIVE DATE: September 6, 1994.

ADDRESSES: Submit written information to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857. The public file may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Woodrow M. Knight, Center for Veterinary Medicine (HFV–226), Food

and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1731.

SUPPLEMENTARY INFORMATION:

I. Background

On September 13, 1993 (58 FR 47962), FDA stayed the 1987 amendments to the selenium food additive regulations. As a result of the stay of the 1987 amendments, the maximum permitted use levels of selenium returned to those levels permitted before FDA issued the amendments. FDA also stayed the portion of the regulation that provided for the use of a bolus for selenium supplementation at the increased levels. This action was taken because the agency concluded that FDA's finding of no significant impact and the environmental assessment prepared by the American Feed Industry Association for the 1987 action were inadequate to determine whether selenium supplementation of animals results in wastes that may cause selenium-related environmental impacts.

FDA also stated in the September 13, 1993, final rule that it intended to reassess its decision to stay the amendments by September 13, 1994, and as needed thereafter. Progress made on the research required to complete an adequate environmental analysis is to be evaluated to determine the continued validity of the stay. If the agency makes the determination that progress is not adequate, the agency is to take action to deny the petition and revoke the 1987 amendments.

For that reason, the agency asked to be kept advised of all research endeavors.

II. Confirmation of the Stay

The agency has determined that sufficient progress is being made to confirm the continued validity of the stay after September 13, 1994. The basis for this determination is the progress made at the Selenium Environmental Roundtable, which was held by the Forum for Animal Agriculture on January 25 and 26, 1994. The final report of the Roundtable assists in prioritizing the research needed (Environmental Roundtable: Selenium Use in Animal Feeds, Final Report, January 25 and 26, 1994, Forum for Animal Agriculture). A copy of this report under the same docket number 86F–0060 is on display at the Dockets Management Branch (address above). Further, the agency has been advised of independent research initiatives at Michigan State University, University of Kentucky, University of Idaho, and Texas A & M University.

FDA should continue to be kept apprised of all research endeavors. Comments should be submitted to the Dockets Management Branch (address above) and identified with the docket no. 86F–0060. The agency will conduct periodic reassessments of research progress as needed after September 13, 1994. If the agency determines, based on the reassessments, that research progress is not adequate, the agency will take the actions necessary to deny the 1986 food additive petition and revoke the 1987 amendments.

Dated: August 24, 1994.

William K. Hubbard,

Interim Deputy Commissioner for Policy.

[FR Doc. 94–21835 Filed 9–2–94; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 516

Litigation

AGENCY: Office of the Army Staff Judge Advocate General, DOD.

ACTION: Final rule; correction.

SUMMARY: This action corrects errors contained in 32 CFR Part 516, Litigation published in the **Federal Register** on July 27, 1994 (59 FR 38236).

DATES: Corrections are effective September 6, 1994.

ADDRESSES: Office of the Judge Advocate General, ATTN: Litigation Division, 901 North Stuart St., Arlington, VA 22203–1837.

FOR FURTHER INFORMATION CONTACT: Major Kelly Wheaton, (703) 696–1638.

Executive Order 12291 and Regulatory Flexibility Act

Under EO 12291 this final rule was declared non-major. It also does not have a significant impact on small entities as defined in the Regulatory Flexibility Act.

Paperwork Reduction Act

This final rule does not contain new reporting or recordkeeping subject to the Paperwork Reduction Act.

List of Subjects in 32 CFR Part 516

Litigation, military personnel, government employees.

For the reasons set out in the preamble, 32 CFR Part 516 is corrected to read as follows:

PART 516—LITIGATION

1. The authority for Part 516 continues to read as follows:

Authority: 5 USC 552, 10 USC 218, 1037, 1089, 1552, 1553, 2036; 18 USC 219, 3401; 28 USC 50, 513, 515, 543; 31 USC 3729; 41 USC 51; 42 USC 290, 2651; and 43 USC 666.

2. On page 38237, in the second column, in § 516.4, paragraph (b) is corrected to read as set forth below.

3. On the same page, in the third column, in § 516.4, paragraph (i) is corrected to read as set forth below.

4. On page 38238, in the second column, in § 516.4, paragraph (o) is corrected to read as set forth below:

§ 516.4 Responsibilities.

* * * * *

(b) The Judge Advocate General (TJAG). Subject to the ultimate control of litigation by DOJ (including the various U.S. Attorney Offices), and to the general oversight of litigation by the Army General Counsel, TJAG is responsible for litigation in which the Army has an interest except with respect to proceedings addressed in paragraph (i) of this section, only TJAG (or Chief, Litigation Division) will communicate to DOJ the army's position with regard to settlement of a case.

* * * * *

(i) Legal Representatives of the Chief of Engineers. The Office of Chief Counsel, attorneys assigned thereto, and other attorneys designated by the Chief Counsel will maintain direct liaison with DOJ and represent DA in litigation and administrative proceedings a rising from the navigation, civil works, Clean Water Act 404 permit authority, environmental response activities, and real property functions of the U.S. Army Corps of Engineers.

* * * * *

(o) Chief, Environmental Law Division, USALSA. The Chief, Environmental Law Division, attorneys assigned thereto, and other attorneys designated by the Chief, ELD, will maintain direct liaison with DOJ and represent DA in all environmental and natural resources civil litigation and administrative proceedings involving missions and functions of DA, its major and subordinate commands, installations presently or previously managed by DA, and other sites or issues in which DA has a substantial interest, except as otherwise specifically provided in this part.

* * * * *

§ 365.5 [Correctly designated as § 516.5].

5. On page 38238, in the second column, § 365.5 is correctly designated as § 516.5.

6. On page 38239, in the third column, in § 516.9, paragraph (b) is corrected to read as follows: