Appendix J2 to Part 305—Pool Heaters—Oil

RANGE INFORMATION

Manufacturer's rated heating capacities	Range of thermal efficiencies (percent)	
	Low	High
All capacities	78.0	78.0

By direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 95–20654 Filed 8–18–95; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 178

[Docket No. 93F–0101]

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 monomethyltin/dimethyltin isooctylmercaptoacetates as a stabilizer in rigid polyvinyl chloride and rigid vinyl chloride copolymers for use in contact with food. This action is in response to a petition filed by Morton International, Inc.

DATES: Effective August 21, 1995; written objections and requests for a hearing by September 20, 1995.

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: Diane E. Robertson, Center for Food Safety and Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3089.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of April 22, 1993 (58 FR 21583), FDA announced that a food additive petition (FAP 3B4366) had been filed by Morton International, Inc., 2000 West St., Cincinnati, OH 45215. 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 monomethyltin/dimethyltin isooctylmercaptoacetates as a stabilizer in rigid polyvinyl chloride and rigid vinyl chloride copolymers in contact with food of Types I, II, III, IV (except liquid milk), V, VI, VII, VIII, and IX, described in Table 1 of § 176.170(c) (21 CFR 176.170(c)), under conditions of use C through G, described in Table 2 of § 176.170(c), and having the following specifications: 5 to 90 percent by weight of monomethyltin tris(isooctylmercaptoacetate); 10 to 95 percent by weight of dimethyltin bis(isooctylmercaptoacetate); no more than 0.2 percent by weight of trimethyltin isooctylmercaptoacetate; tin content in the range of 15 to 21 percent; and mercaptosulfur content in the range of 11.5 to 12.8 percent.

FDA has evaluated the data and information in the petition and finds that the isooctylmercaptoacetate components of the additive may consist of a mixture of isooctylmercaptoacetates or primarily 2-ethylhexylmercaptoacetate, an isomer of isooctylmercaptoacetate. Therefore, the agency concludes that the additive should be identified as containing either ''isooctyl'' or ''2-ethylhexyl'' mercaptoacetates. The resulting regulation includes Chemical Abstracts Registry Numbers (CAS Reg. Nos.) for both isomers. The agency also finds that, because of differing manufacturing methods and test results, tested mercaptosulfur content will vary from 11 to 13.5 percent, and that allowing this slight additional variation will have no effect on the safety of the additive. The agency has also determined that it is not necessary to lower the percentage of trimethyltin isooctylmercaptoacetate from 0.4 percent by weight to 0.2 percent by weight to ensure the safe use of the additive and that the data submitted support the use of the additive under condition of use C in § 176.170(c) Table 2 with a maximum temperature of 88 °C (190 °F). With these modifications, FDA concludes that the proposed use of monomethyltin/dimethyltin isooctylmercaptoacetates is safe and that § 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 September 20, 1995, 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 revising the entry ''Dimethyltin/monomethyltin isooctylmercaptoacetates'' under the headings ''Substances'' and ''Limitations'' to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitations
* * *	* * * *
Dimethyltin/monomethyltin isooctylmercaptoacetates consisting of 5 to 90 percent by weight of monomethyltin tris (isooctylmercaptoacetate) (CAS Reg. No. 54849–38–6) or monomethyltin tris(2-ethylhexylmercaptoacetate) (CAS Reg. No. 57583–34–3) and 10 to 95 percent by weight of dimethyltin bis (isooctylmercaptoacetate) (CAS Reg. No. 26636–01–1) or dimethyltin bis(2–ethylhexylmercaptoacetate) (CAS Reg. No. 57583–35–43), and no more than 0.4 percent by weight of trimethyltin compounds, and having the following specifications: Tin content (as Sn) in the range of 15 to 21 percent and mercaptosulfur content in the range of 11 to 13.5 percent. Other alkyltin compounds are not to exceed 20 ppm.	For use only at levels not to exceed 2 percent by weight: 1. In rigid polyvinyl chloride used in the manufacture of pipes intended for contact with water in food-processing plants, and 2. In rigid polyvinyl chloride and in rigid vinyl chloride copolymers complying with § 177.1950 of this chapter or § 177.1980 of this chapter for use in contact with food of Types I, II, III, IV (except liquid milk), V, VI, VII, VIII, and IX described in Table 1 of § 176.170(c) of this chapter under conditions of use C through G described in Table 2 of § 176.170(c) of this chapter at temperatures not to exceed 88 °C (190 °F).
* * *	* * * *

Dated: August 1, 1995.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 95–20606 Filed 8–18–95; 8:45 am]

BILLING CODE 4160–01–F

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Parts 1613, 1614

RIN 3046–AA 60

Federal Sector Equal Employment Opportunity

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: This final rule removes obsolete Federal agency equal employment opportunity program provisions from the Code of Federal Regulations. The EEOC is also amending other regulations to delete references to removed regulations.

EFFECTIVE DATE: August 21, 1995.

FOR FURTHER INFORMATION CONTACT: Nicholas M. Inzeo, Associate Legal Counsel, Thomas J. Schlageter, Assistant Legal Counsel, or Jeffrey Rosen, Staff Attorney, at (202) 663–4669 or TDD (202) 663–7026. This notice is also available in the following formats: Large print, braille, audio tape and electronic file on computer disk. Requests for this notice in an alternative format should be made to the Publications Information Center at (800) 669–3362 (Voice) or (800) 800–3302 (TDD).

SUPPLEMENTARY INFORMATION: On April 10, 1992 (57 FR 12634), the Equal Employment Opportunity Commission (EEOC) published final rules at 29 CFR part 1614 (''part 1614'') revising the complaint processing procedures used by federal agencies and the EEOC for administrative complaints and appeals of employment discrimination filed by federal employees and applicants for federal employment. Part 1614 replaced the complaint process located at 29 CFR part 1613 (''part 1613''), after October 1, 1992. Thus, part 1613 is obsolete. Accordingly, this regulation removes 29 CFR part 1613 and amends 29 CFR part 1614 to delete references to part 1613.

We are issuing a final rule rather than a notice of proposed rulemaking because we have determined, for good cause, that publication of a proposed rule and solicitation of comments would neither be necessary or fruitful. This final rule only affects obsolete provisions. Furthermore, this final rule will be effective immediately upon publication because none of the provisions being removed is in effect and no time for implementation is required.

Regulatory Procedures

Executive Order 12866

This final rule has been reviewed pursuant to Executive Order 12866. Executive Order 12866 requires that regulations be reviewed for consistency with the priorities and principles set forth in the Executive Order. The EEOC has determined that this rule is consistent with these priorities and principles. Most specifically, it is consistent with President Clinton's new Regulatory Reinventor Initiative by rescinding obsolete regulations. It entails no increase in cost or burden on State and local governments or other entities.

Regulatory Flexibility Act

Consistent with the Regulatory Flexibility Act (Pub. L. 96–354), which requires the Federal government to reduce the impact of rules and paperwork requirements on small business and other small entities, the EEOC certifies that this rule has no significant effect on a substantial number of small entities. Therefore, a regulatory flexibility analysis is not required.

Paperwork Reduction Act

This regulation contains no information collection requirements which are subject to review and approval by OMB under the Paperwork Reduction Act of 1980 (44 U.S.C. section 3500 *et seq.*).

List of Subjects

29 CFR Part 1613

Equal employment opportunity, Federal government employees.

29 CFR Part 1614

Equal employment opportunity, Federal government employees.

For the Commission.

Gilbert F. Casellas,

Chairman.

For the reasons set forth in the preamble, Chapter XIV of title 29 is amended as follows: