The substance of these special conditions has been subject to the notice and public comment procedure in several prior rulemaking actions. For example, the Dornier 228–200 (53 FR 14782, April 26, 1988), the Cessna Model 525 (56 FR 49396, September 30, 1991), and the Beech Models 200, A200, and B200 airplanes (57 FR 1220, January 13, 1992). It is unlikely that additional public comment would result in any significant change from those special conditions already issued and commented on. For these reasons, and because a delay would significantly affect the applicant's installation of the system and certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions without notice. Therefore, these special conditions are being made effective upon publication in the Federal Register. However, as previously indicated, interested persons are invited to comment on these special conditions if they so desire.

List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g); 40113, 44701, 44702, and 44704; 14 CFR 21.16 and 21.101; and 14 CFR 11.28 and 11.49.

Adoption of Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the modified Beech Model 58 Airplanes:

1. *Protection of Electrical and Electronic Systems from High Intensity Radiated Fields (HIRF).* Each system that performs critical functions must be designed and installed to ensure that the operations, and operational capabilities of these systems to perform critical functions, are not adversely affected when the airplane is exposed to high intensity radiated electromagnetic fields external to the airplane.

2. For the purpose of these special conditions, the following definition applies: *Critical Functions:* Functions whose failure would contribute to, or cause, a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Kansas City, Missouri, on November 14, 1995.

Dwight Young,

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 95–28737 Filed 11–22–95; 8:45 am]

BILLING CODE 4910–13–M

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

## 18 CFR Part 11

**[Docket No. RM96–2–000; Order No. 584]**

## Correction of Annual Charges Formula

Issued November 14, 1995.

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission) is amending its regulations governing the assessment of annual charges for the administration of Part I of the Federal Power Act (FPA). The amendment restores the *status quo ante* in the formulae for allocating annual charges among licensees, by correcting an error in a previous final rule.

**EFFECTIVE DATE:** December 26, 1995.

**FOR FURTHER INFORMATION CONTACT:** Barry Smoler, Officer of the General Counsel, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, DC 20426, (202) 208–1269.

**SUPPLEMENTARY INFORMATION:** In addition to publishing the full text of this document in the Federal Register, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in Room 2A, 888 First Street, NE., Washington, DC 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (800) 856–3920. To access CIPS, set your communications software to 19200, 14400, 12000, 9600, 7200, 4800, 2400 or 1200bps, full duplex, no parity, 8 data bits, and 1 stop bit. The full text of this document will be available on CIPS in ASCII and WordPerfect 5.1 format. The complete text on diskette in Wordperfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, located in Room 2A, 888 First St. NE., Washington, DC 20426.

I. Introduction and Background

The Federal Energy Regulatory Commission (Commission) is amending its regulations governing the assessment of annual charges for the administration of Part I of the Federal Power Act (FPA).[1] The amendment restores the *status quo ante* in the formulae for allocating annual charges among licenses, by correcting an error in a previous final rule.

On March 15, 1995, the Commission issued Order No. 576, a final rule [2] that amended Part 11 of the Commission's regulations.[3] One provision of Order No. 576 amended § 11.1 of the regulations[4] by substituting (in several subsections) kilowatts for horsepower in stating a project's authorized installed capacity. The Commission explained that the change ''was designed to reflect modern usage in the rating of equipment used in hydropower projects.''[5]

Order No. 576 added a new § 11.1(i) that defined ''authorized installed capacity'' in terms of kilowatts (kW) and related electrical concepts and terminology. The definition included a conversion factor (multiply by 0.75 kW/hp) for converting the capacity of a turbine stated in horsepower (hp).

The formulae for allocating annual charges among non-municipal licensees were set forth in the section of the regulations that Order No. 576 renumbered as § 11.1(c)(3). Order No. 576 deleted all references in that subsection to ''horsepower,'' replacing them with references to ''authorized installed capacity.'' As explained above, ''authorized installed capacity'' was now defined in terms of kilowatts, not horsepower. In making this change, however, the Commission inadvertently neglected to include the horsepower to kilowatt conversion adjustment in that part of the renumbered §§ 11.1(c)(3) (i) and (iii) that referred to generation. The effect of that inadvertent omission was to seriously distort the balance of capacity and generation in determining the allocation of certain annual charges.[6] No such distortion was

[1] 16 U.S.C. 792–823b.

[2] III FERC Stats. & Regs. (Regulations Preambles) ¶ 31,016. Order No. 576 was published in the Federal Register on March 22, 1995, 60 FR 15040.

[3] 18 CFR Part 11.

[4] 18 CFR 11.1.

[5] III FERC Stats. & Regs. (Regulations Preambles) ¶ 31,016 at p. 31,303.

[6] There is no problem in the formula in § 11.1(c)(3)(ii), because that formula is based entirely on capacity. For the same reason, there is no problem in the assessment formula for municipal licensees (see paragraph (d) of that subsection), which is also based solely on capacity.

intended. Indeed, in another part of Order No. 576 the Commission explicitly stated that although it had invited comment on the choice of capacity or generation (or both) in the allocation formulae, it had decided not to make any such changes. [7]

Inasmuch as the distortion in the ratio between generation and capacity is the inadvertent and unintended result of leaving out the horsepower to kilowatt conversion adjustment when substituting kilowatts for horsepower as the measure of capacity in §§ 11.1(c)(3)(i) and (iii), we will correct that omission in this final rule by adding that conversion adjustment to those subsections. That will restore the *status quo ante,* as we intended all along. The conversion factor will be incorporated into the formulae in §§ 11.1(c)(3)(i) and (iii) by substituting ''112.5'' for ''150,'' as the generation multiplier, in each instance, and by substituting ''75'' for ''100'' in subsection (iii).

Finally, we will correct an inadvertent omission of a cross-reference in the definition of ''authorized installed capacity'' in § 11.1(i). At present, that section cross-references only to paragraph (c) of § 11.1. We will add a cross-reference to paragraph (d) as well, as was our original intent.

II. Regulatory Flexibility Certification

The Regulatory Flexibility Act of 1980 (RFA) [8] generally requires a description and analysis of proposed regulations that will have a significant economic impact on a substantial number of small entities. [9] Pursuant to section 605(b) of the RFA, the Commission hereby certifies that the final rule adopted herein will not have a significant economic impact on a substantial number of small entities.

III. Environmental Statement

Issuance of this final rule does not constitute a major federal action having a significant adverse impact on the quality of the human environment under the Commission's regulations implementing the National Environmental Policy Act. [10] The final rule adopted herein is procedural in nature and therefore falls within the categorical exemptions provided in the Commission's regulations. Consequently, neither an environmental impact statement nor an environmental assessment is required. [11]

IV. Information Collection Statement

The Office of Management and Budget's (OMB) regulations at 5 CFR Part 1320 require that OMB approve certain information and recordkeeping requirements imposed by an agency. The final rule adopted herein does not modify any collections of information.

Interested persons may obtain information on these reporting requirements by contacting the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426 [Attention: Michael Miller, Information Services Division (202) 208–1415]. Comments on the requirements of this rule can be sent to the Office of Information and Regulatory Affairs of OMB [Attention: Desk Officer for Federal Energy Regulatory Commission].

V. Effective Date

The Administrative Procedure Act (APA) [12] requires that a notice of proposed rulemaking be published in the Federal Register and that an opportunity for comment be provided when an agency promulgates regulations. The APA sets forth exemptions to the notice and comment requirements if the rule is, *inter alia,* a rule of agency organization, procedure, or practice, or if the Commission for good cause finds that notice and comment procedures thereon are impracticable, unnecessary, or contrary to the public interest.

For the reasons discussed above, this final rule corrects an error of omission in the final rule adopted in Order No. 576. Therefore, for good cause the Commission finds that notice and comment procedures are unnecessary.

This final rule is effective December 26, 1995, and is retroactive to the assessment of the annual charges for fiscal year 1995. This will ensure that no licensee will pay for fiscal year 1995 an assessment of annual charges greater than it would have paid had the formulae been correctly stated in Order No. 576.

List of Subjects in 18 CFR Part 11

Electric power, Reporting and recordkeeping requirements.

By the Commission.

Linwood A. Watson, Jr.,

*Acting Secretary.*

In consideration of the foregoing, the Commission amends Part 11 of Chapter I, Title 18, Code of Federal Regulations, as set forth below.

## PART 11—ANNUAL CHARGES UNDER PART I OF THE FEDERAL POWER ACT

1. The authority citation for Part 11 continues to read as follows:

Authority: 16 U.S.C. 791a–825r; 42 U.S.C. 7101–7352.

2. In section 11.1, paragraphs (c)(3) (i) and (iii) and paragraph (i) are revised to read as follows:

**§ 11.1 Costs of administration.**

* * * * *

(c) * * *

(3) The annual charge factor for each such project shall be found as follows:

(i) For a conventional project the factor is its authorized installed capacity plus 112.5 times its annual energy output in millions of kilowatt-hours.

* * * * *

(iii) For a mixed conventional-pumped storage project the factor is its authorized installed capacity plus 112.5 times its gross annual energy output in millions of kilowatt-hours less 75 times the annual energy used for pumped storage pumping in million of kilowatt-hours.

* * * * *

(i) *Definition.* As used in paragraphs (c) and (d) of this section, *authorized installed capacity* means the lesser of the ratings of the generator or turbine units. The rating of a generator is the product of the continuous-load capacity rating of the generator in kilovolt-amperes (kVA) and the system power factor in kW/kVA. If the licensee or exemptee does not know its power factor, a factor of 1.0 kW/kVA will be used. The rating of a turbine is the product of the turbine's capacity in horsepower (hp) at best gate (maximum efficiency point) opening under the manufacturer's rated head times a conversion factor of 0.75 kW/hp. If the generator or turbine installed has a rating different from that authorized in the license or exemption, or the installed generator is rewound or otherwise modified to change its rating, or the turbine is modified to change its rating, the licensee or exemptee must apply to the Commission to amend its

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The distortion occurs only when the formula includes a ratio between factors for generation and capacity.

[7] III FERC Stats. & Regs. (Regulations Preambles) ¶ 31,016 at pp. 31,307–08.

[8] 5 U.S.C. 601–612.

[9] Section 601(c) of the RPA defines a ''small entity'' as a small business, a small not-for-profit enterprise, or a small governmental jurisdiction. A ''small business'' is defined by reference to section 3 of the Small Business Act as an enterprise which is ''independently owned and operated and which is not dominant in its field of operation.'' 15 U.S.C. 632(a).

[10] *See* Order No. 486, 52 FR 47897 (Dec. 17, 1967), FERC Stats. & Regs. (Regulations Preambles 1986–1990) ¶ 30,783 (Dec. 10, 1987) (codified at 18 CFR Part 380).

[11] *See* 18 CFR 380.4(a)(1).

[12] 5 U.S.C. 552(a).

authorized installed capacity to reflect the change.

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[FR Doc. 95–28559 Filed 11–22–95; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

### 21 CFR Part 177

**[Docket No. 92F–0086]**

### 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-1,4-cyclohexylene dimethylene terephthalate copolymer containing up to 5 mole percent (7 weight percent) 1,4-cyclohexylene dimethylene terephthalate as a base sheet and base polymer for use in food-contact articles. This action is in response to a petition filed by Eastman Chemical Co.

**DATES:** Effective November 24, 1995; written objections and requests for a hearing by December 26, 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 13, 1992 (57 FR 12831), FDA announced that a food additive petition (FAP 2B4318) had been filed by Eastman Chemical Co., P.O. Box 511, Kingsport, TN 37662. The petition proposed to amend the food additive regulations to provide for the safe use of copolyesters containing up to 5 mole percent (7 weight percent) 1,4-cyclohexylene dimethylene terephthalate as the base sheet and base polymer for use in food-contact articles.

FDA has evaluated the data and information in the petition and concludes that the proposed use of the additive as a base sheet and base polymer is safe. The agency also concludes that the additive is currently regulated under § 177.1315 *Ethylene-1,4-cyclohexylene dimethylene terephthalate copolymers* (21 CFR 177.1315) and that this new use should be regulated under the same name. Further, the agency concludes that both §§ 177.1315 and 177.1630 *Polyethylene phthalate polymers* (21 CFR 177.1630) 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 December 26, 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 177

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 177 is amended as follows:

## PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

1. The authority citation for 21 CFR part 177 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 177.1315 is amended in the table in paragraph (b) by adding new entry ''3.'' to read as follows:

**§ 177.1315 Ethylene-1,4-cyclohexylene dimethylene terephthalate copolymers.**

* * * * *

(b) *Specifications*: