

# Rules and Regulations

Federal Register

Vol. 61, No. 4

Friday, January 5, 1996

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 173

[Docket No. 90F-0344]

#### Secondary Direct Food Additives Permitted in Food for Human Consumption; Polymaleic Acid and its Sodium Salt

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the food additive regulations to increase the permitted use level of polymaleic acid and its sodium salt to control mineral scale during the production of beet and cane sugar juice and liquor, and to amend the specifications for the additives. This action is in response to a petition filed by Ciba-Geigy, Inc.

**DATES:** Effective January 5, 1996; written objections and requests for a hearing by February 5, 1996. 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 a publication listed in 21 CFR 173.45(a), effective January 5, 1996.

**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:** Vincent Zenger, Center for Food Safety and Applied Nutrition (HFS-206), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3105.

**SUPPLEMENTARY INFORMATION:** In a notice published in the Federal Register of November 28, 1990 (55 FR 49426), FDA announced that a food additive petition (FAP 0A4226) had been filed by Ciba-

Geigy, Inc., proposing that § 173.45 (21 CFR 173.45) be amended to provide for the safe use of polymaleic acid and its sodium salt to control mineral scale during the production of beet and cane sugar juice and liquor at higher levels than the maximum currently permitted under the regulation.

The petition contained information on a new manufacturing process for polymaleic acid and its sodium salt, which results in a lower weight-average molecular weight and number-average molecular weight for the additives than those currently permitted. The molecular weight determinations were based on an improved analytical method. In the original filing notice for the petition, the agency gave notice of the proposal to increase the permitted use levels of polymaleic acid and its sodium salt, but it did not give notice of the part of the proposal that concerned amending the allowed molecular weight range for the additives or the method for determining the molecular weight. Therefore, FDA published a tentative final rule in the Federal Register of May 2, 1995 (60 FR 21474), to allow interested persons to comment on these changes. FDA did not receive any comments or responses to the tentative final rule. Therefore, the agency concludes that the tentative final rule should be issued as a final rule.

As noted in the tentative final rule, the molecular weight determinations of the additives are to be based on the improved analytical method entitled "Determinations of Molecular Weight Distribution of Poly(Maleic)Acid" submitted by Ciba-Geigy, Inc., and dated March 17, 1992, which is incorporated by reference in amended § 173.45(a). This improved analytical method, which replaces the previous method, has the same title and a different date.

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 February 5, 1996, 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 173

Food additives, Incorporation by reference.

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 173 is amended as follows:

**PART 173—SECONDARY DIRECT FOOD ADDITIVES PERMITTED IN FOOD FOR HUMAN CONSUMPTION**

1. The authority citation for 21 CFR part 173 continues to read as follows:

Authority: Secs. 201, 402, 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348).

2. Section 173.45 is amended by revising paragraphs (a) and (c) to read as follows:

**§ 173.45 Polymaleic acid and its sodium salt.**

\* \* \* \* \*

(a) The additives have a weight-average molecular weight in the range of 540 to 850 and a number-average molecular weight in the range of 520 to 650, calculated as the acid. Molecular weights shall be determined by a method entitled "Determination of Molecular Weight Distribution of Poly(Maleic Acid)," March 17, 1992, produced by Ciba-Geigy, Inc., Seven Skyline Dr., Hawthorne, NY 10532-2188, which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available from the Division of Product Policy, Center for Food Safety and Applied Nutrition (HFS-205), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or are available for inspection at the Center for Food Safety and Applied Nutrition's Library, 200 C St. SW., rm. 3321, Washington, DC, or at the Office of the Federal Register, 800 North Capitol St. NW., suite 700, Washington, DC.

\* \* \* \* \*

(c) The additives are to be used so that the amount of either or both additives does not exceed 4 parts per million (calculated as the acid) by weight of the beet or cane sugar juice or liquor process stream.

Dated: December 27, 1995.

Fred R. Shank,

*Director, Center for Food Safety and Applied Nutrition.*

[FR Doc. 96-120 Filed 1-4-96; 8:45 am]

BILLING CODE 4160-01-F

**DEPARTMENT OF LABOR**

**Office of Labor-Management Programs**

**29 CFR Part 215**

**RIN 1294-AA14**

**Guidelines, Section 5333(b), Federal Transit Law**

**AGENCY:** Office of Labor-Management Programs, Office of the American Workplace, Labor.

**ACTION:** Deferral of effective date.

**SUMMARY:** The Office of Labor-Management Programs is deferring the effective date of implementation of guidelines for the employee protection program under Title 49 U.S.C., Chapter 53, Section 5333(b) of the Federal Transit law, which is currently January 8, 1996. The extension will add a time period to the January 8, 1996 date equal to the duration of the furlough caused by the partial government shutdown that began on December 16, 1995. The effective date of the guidelines will be the first business day after this extension. This action is being taken because the furlough of Department of Labor (the Department) employees responsible for the administration of this program precludes the Office of Labor-Management Programs from undertaking the necessary staff training and preparation of materials and documents to allow for implementation of the guidelines.

**DATES:** The effective date of the guidelines is the first business day following an extension from January 8, 1996, such extension to be calculated by adding the total number of days of the furlough which began on December 16, 1995. The Department will publish a document in the Federal Register confirming the new effective date.

**FOR FURTHER INFORMATION CONTACT:** Kelley Andrews, Director, Statutory Programs, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-5411, Washington, DC 20210, (202) 219-4473.

**SUPPLEMENTARY INFORMATION:**

**I. Rationale**

On December 7, 1995, the Office of Labor-Management Programs, Office of the American Workplace, published final guidelines for administration of the transit employee protection program pursuant to Section 5333(b) of the Federal Transit law, commonly referred to as "Section 13(c)." (FR Vol. 60, No. 235, pg. 62964.) The guidelines were to become effective January 8, 1996.

In view of the ongoing furlough of employees of the Department who are responsible for the implementation of these new guidelines, it will be impossible to implement the guidelines on January 8, 1996. The Department is hereby extending the effective implementation date. The extension will add a time period to the January 8, 1996 date equal to the duration of the furlough that began on December 16, 1995. The effective date of the guidelines will be the first business day after this extension.

The Department has taken this action in recognition of its obligations to the transit industry and the transit employees for whom these protections are provided. The extension is designed to ensure effective and efficient implementation of the new guidelines. The furlough prevented the preparation of explanatory material and documents for staff and the public and interrupted training of necessary staff, thus delaying instituting procedures for a more timely and predictable certification process. This extension is intended to help assure that the Department's customers are well-served and statutory responsibilities are properly conducted.

**II. Publication in Final**

The Department finds public comment on this referral to be impracticable and unnecessary because the Department is forced to take this action due to the furlough, caused by the partial government shutdown, of the Department employees who administer this program. 5 U.S.C. 553(b)(B).

**List of Subjects in 29 CFR Part 215**

Grant administration; Grants—transportation; Labor-management relations; Labor unions; Mass transportation.

Accordingly, the amendment of 29 CFR Chapter II published at FR Vol. 60, No. 235, pg. 62964 is deferred until the first business day following an extension from January 8, 1996, such extension to be calculated by adding the total number of days of the furlough which began on December 16, 1995.

Signed at Washington, DC, this 2nd day of January, 1996.

Charles L. Smith,

*Deputy Assistant Secretary.*

[FR Doc. 96-163 Filed 1-4-96; 8:45 am]

BILLING CODE 4510-86-M

**DEPARTMENT OF THE TREASURY**

**Office of Thrift Supervision**

**31 CFR Part 1**

**[No. 95-148]**

**Privacy Act of 1974; Implementation**

**AGENCY:** Office of Thrift Supervision, Treasury.

**ACTION:** Final Rule.

**SUMMARY:** The Office of Thrift Supervision (OTS) hereby exempts the Criminal Referral Database from certain provisions of the Privacy Act of 1974, 5 U.S.C. 552a (Privacy Act), to the extent the system contains investigatory material pertaining to the enforcement