

6-27. A copy of Presidential Determination No. 96-7 has been placed in the docket for this action.

Indefinite Suspension of the Prohibition Against Certain Flights Between the United States and the Federal Republic of Yugoslavia (Serbia and Montenegro)

On the basis of the above, and in support of Presidential Determination No. 96-7, I am ordering an indefinite suspension of the provisions of SFAR No. 66-2. For the reasons stated above, I find that notice and public comment under 5 U.S.C. 553(b) are impracticable and contrary to the public interest. Further, I find that good cause exists for making this rule effective immediately upon issuance. I also find that this action is fully consistent with my obligations under 49 U.S.C. Section 40105(b)(1) to ensure that I exercise my duties consistently with the obligations of the United States under international agreements.

Regulatory Evaluation

This amendment is relieving in nature and suspends indefinitely the restrictions of flights between the United States, Serbia and Montenegro. In addition, the cost to circumnavigate the territory by U.S.-registered aircraft is removed by this action. Accordingly, this action will impose no additional burden on commercial or private operators.

Paperwork Reduction Act

This rule contains no information collection requests requiring approval of the Office of Management and Budget pursuant to the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*)

International Trade Impact Assessment

SFAR No. 66-2 does not prohibit U.S. and foreign air carriers from engaging in the sale of air transportation to or from Serbia and Montenegro, nor does it impose any restrictions on commercial carriers beyond those imposed by DOT Order 92-6-27. The FAA, therefore, determined that SFAR No. 66-2 would not create a competitive advantage or disadvantage for foreign companies in the sale of aviation products or services in the United States, nor for domestic firms in the sale of aviation products or services in foreign countries. Accordingly, the suspension of SFAR No. 66-2 also will not create a competitive advantage or disadvantage for foreign companies in the sale of aviation products or services in foreign countries.

Federalism Determination

The amendment set forth herein will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612 (52 FR 4168; October 30, 1987), it is determined that this regulation does not have federalism implications warranting the preparation of a Federalism Assessment.

Conclusion

For the reasons set forth above, the FAA has determined that this action is not a "significant regulatory action" under Executive Order 12866. This action is considered a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Because this amendment is relieving in nature, the FAA certifies that this rule will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 91

Aircraft, Airmen Airports, Air traffic control, Aviation safety, Federal Republic of Yugoslavia, Freight, Montenegro, Serbia.

Accordingly, for the reasons set forth above, the FAA is suspending indefinitely the provisions of SFAR 66-2.

Authority: 49 U.S.C. 106(g), 1155, 40103, 40113, 40120, 44101, 44111, 44701, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46502, 46504, 46506, 46507, 47122, 47508, 47528-47531; articles 12 and 29 of the Convention on International Civil Aviation (61 stat. 1180).

Issued in Washington, DC, on January 3, 1996.

David R. Hinson,
Administrator.

[FR Doc. 96-275 Filed 1-5-96; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 173

[Docket No. 95F-0244]

Secondary Direct Food Additives Permitted in Food for Human Consumption

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations for *n*-butoxypoly(oxyethylene)poly(oxypropylene) glycol intended for use in sugar beet processing to replace the existing limitation on molecular weight with a limitation on viscosity. This action responds to a petition filed by Union Carbide Corp.

DATES: Effective January 9, 1996; written objections and requests for a hearing by February 8, 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 certain publication in § 173.340 (21 CFR 173.340), effective January 9, 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: Mitchell A. Cheeseman, Center for Food Safety and Applied Nutrition (HFS-217), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3083.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of August 8, 1995 (60 FR 40384), FDA announced that a food additive petition (FAP 5A4473) had been filed by Union Carbide Corp., P.O. Box 670, Bound Brook, NJ 08805. The petition proposed to amend the food additive regulations in § 173.340 *Defoaming agents* (21 CFR 173.340) to redefine the limitations for *n*-butoxypolyoxyethylenepolyoxypropyleneglycol intended for use as a defoaming agent in sugar beet processing from molecular weight to viscosity.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed technical amendment concerning *n*-butoxypolyoxyethylenepolyoxypropyleneglycol raises no safety issue, and that § 173.340 should be amended as set forth below. FDA also concludes that the appropriate syntax for the chemical name of the additive is *n*-butoxypoly(oxyethylene)poly(oxypropylene)glycol.

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 previously considered the potential environmental effects of this action, as announced in the notice of filing for FAP 5A4473 (60 FR 40384). FDA has received no new information or comments that would affect the agency's previous determination that this action will not have a significant impact on the human environment and that neither an environmental assessment nor an environmental impact statement is required.

Any person who will be adversely affected by this regulation may at any time on or before February 8, 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, 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 173.340 is amended in the table in paragraph (a)(4) by revising the entry for "*n*-butoxypolyoxyethylenepolyoxypropylene glycol" under the headings "Substance" and "Limitations" to read as follows:

§ 173.340 Defoaming agents.
* * * * *
(a) * * *
(4) * * *

Substance	Limitations
<i>n</i> -Butoxypoly(oxyethylene)-poly(oxypropylene)glycol	Viscosity range, 4,850–5,350 Saybolt Universal Seconds (SUS) at 37.8 °C (100 °F). The viscosity range is determined by the method "Viscosity Determination of <i>n</i> -butoxypoly(oxyethylene)-poly(oxypropylene) glycol" dated April 26, 1995, developed by Union Carbide Corp., P.O. Box 670, Bound Brook, NJ 08805, which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the material incorporated by reference are available from the Division of Petition Control, Center for Food Safety and Applied Nutrition (HFS-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, and may be examined 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.

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Dated: December 21, 1995.
Fred R. Shank,
Director, Center for Food Safety and Applied Nutrition.
[FR Doc. 96-228 Filed 1-8-96; 8:45 am]
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