

Authority: Secs. 201, 402, 409, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 379e).

2. Section 178.3297 is amended in paragraph (e) in the table by

alphabetically adding a new entry under the headings "Substances" and "Limitations" to read as follows:

§ 178.3297 Colorants for polymers.
* * * * *
(e) * * *

Substances	Limitations
* * * * *	* * * * *
4,5,6,7-Tetrachloro-2-[2-(4,5,6,7-tetrachloro-2,3-dihydro-1,3-dioxo-1H-inden-2-yl)-8-quinoliny]-1H-isindole-1,3(2H)-dione (C. I. Pigment Yellow 138, CAS Reg. No.30125-47-4).	For use only at levels not to exceed 1 percent by weight of polymers. The finished articles are to contact food only under conditions of use C through H, as described in Table 2 of §176.170(c) of this chapter; provided further that the finished articles shall not be filled at temperatures exceeding 158 °F (70 °C).
* * * * *	* * * * *

Dated: January 17, 1996.
William K. Hubbard,
Associate Commissioner for Policy Coordination.
[FR Doc. 96-1144 Filed 1-24-96; 8:45 am]
BILLING CODE 4160-01-F

DEPARTMENT OF JUSTICE

28 CFR Part 49

[AG Order No. 2005-96]

RIN 1105-AA37

Use and Examination of Materials Submitted Pursuant to the Antitrust Civil Process Act

AGENCY: Department of Justice.
ACTION: Final rule.

SUMMARY: This rule finalizes changes made by an interim rule published on August 25, 1995 at 60 FR 44276 to a Department of Justice regulation concerning the use and examination of materials submitted pursuant to the Antitrust Civil Process Act ("ACPA" or "Act"). The interim rule added references to "answers to interrogatories" and "transcripts of oral testimony" as types of material subject to the provisions of the ACPA and also added references to "agents" of the Department of Justice having the authority to use and copy such materials. These changes were necessary to conform the language of the regulation to the current provisions of the Act. The interim rule also made minor changes to the spelling and capitalization of certain words used in the regulation for purposes of conformity with the Act and internal consistency.

DATES: This Final Rule is effective January 25, 1996.

FOR FURTHER INFORMATION CONTACT: Howard Blumenthal, Assistant Chief,

Legal Policy Section, Antitrust Division, Room 3121, Main Justice Building, 10th & Pennsylvania Avenue NW., Washington, DC 20530; telephone (202) 514-2513.

SUPPLEMENTARY INFORMATION: Congress enacted the ACPA, Pub. L. No. 87-664 (codified at 15 U.S.C. 1311-14, as amended), in 1962 to provide the Antitrust Division ("Division") of the Department of Justice with the authority to issue civil investigative demands ("CIDs"), a type of pre-complaint compulsory process. CIDs enable the Division to gather information concerning possible civil violations of the antitrust laws before filing lawsuits, which often permits the Department of Justice to determine that no antitrust violation has occurred without resort to litigation. Thus, the use of CIDs will frequently save the Department of Justice, the parties being investigated, and the federal court system time and money through the avoidance of unnecessary litigation or the streamlining of any litigation that does result from an investigation.

The CID authority provided to the Division in 1962 was relatively narrow. The only type of information that the Division could acquire by CID was documentary material. Without the consent of the person who produced such material, access to CID information in the possession of the Division was generally limited to officers, members, or employees of the Department of Justice.

The Division's CID authority was expanded by the Hart-Scott-Rodino Antitrust Improvements Act of 1976 ("HSR Act"), Pub. L. No. 94-435. In addition to producing documentary material, CID recipients could now be required to answer in writing written interrogatories and to give oral testimony. In the Antitrust Procedural Improvements Act of 1980 ("APIA"),

Pub. L. No. 96-349, Congress clarified that CID information in the possession of the Division could be disclosed to and used by agents of the Department of Justice (for example, expert witnesses or independent contractors) as well as by officers and employees.

The ACPA requires the Attorney General to promulgate regulations setting forth the manner in which CID materials in the possession of the Division will be made available for official use by the Department of Justice, and to prescribe the terms and conditions under which such materials may be examined by the persons who produced them to the Division. The Attorney General promulgated 28 CFR part 49 in 1963 to comply with this requirement. However, this regulation was not amended to reflect the changes to the Act made by the HSR Act in 1976 or the APIA in 1980. The purpose of this order is to make final an interim rule published on August 25, 1995 at 60 FR 44276, which amended the pre-existing regulation to conform with the current provisions of the ACPA.

The rule now being finalized differs from the pre-existing regulation in two main respects. First, references in the pre-existing regulation to the use and examination of documentary material in the possession of the Division were expanded, where and as appropriate, to also refer to answers to interrogatories and transcripts of oral testimony to take into account the additional types of information that can be acquired under the ACPA as amended by the HSR Act. Second, references to the use and copying of CID information by officers and employees of the Department of Justice were expanded to also include agents of the Department of Justice to reflect the change to the Act made by the APIA. The rule now being finalized also differs from the pre-existing regulation in several technical respects.

Essentially, the capitalization of certain words (Act, custodian, civil investigative demand) was made consistent throughout the regulation, and the term "civil investigation demand" was changed to "civil investigative demand," which is the term used in the statute.

The above-mentioned interim rule included a 60-day public comment period. The Department received no comments before the comment period expired on October 24, 1995. The Department has determined to issue the rule in final form without revision to the interim rule.

Regulatory Flexibility Act

The Attorney General, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact on a substantial number of small entities.

Executive Order 12612

This regulation 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, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12866

This regulation has been drafted and reviewed in accordance with Executive Order 12866, § 1(b), Principles of Regulation. The Department of Justice has determined that this rule is not a "significant regulatory action" under Executive Order 12866, § 3(f), and accordingly this rule has not been reviewed by the Office of Management and Budget.

Accordingly, the interim rule amending 28 CFR part 49 that was published at 60 FR 44276 on August 25, 1995, as corrected at 60 FR 61290 on November 29, 1995, is adopted as a final rule without change.

Dated: January 16, 1996.

Janet Reno,

Attorney General.

FR Doc. 96-1091 Filed 1-24-96; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

29 CFR Part 215

RIN 1294-AA14

Office of Labor-Management Programs; Guidelines, Section 5333(b), Federal Transit Law

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

ACTION: Confirmation of effective date.

SUMMARY: The Office of Labor-Management Programs published a notice in the January 5, 1996 Federal Register (61 FR 386) 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. Pursuant to the January 5, notice, the original effective date, January 8, 1996, was extended for a period equal to the duration of the furlough caused by the partial government shutdown that began on December 16, 1995.

This document announces and confirms that the new effective date of the guidelines will be January 29, 1996. This action was taken because the temporary closing of government offices and the furlough of Department of Labor (the Department) employees responsible for the administration of this program precluded 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.

EFFECTIVE DATE: The new effective date of the guidelines is January 29, 1996.

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

The Office of Labor-Management Programs, Office of the American Workplace, hereby confirms that January 29, 1996 will be the new effective date of the guidelines for the 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, December 7, 1995).

II. Publication in Final

The Department finds good cause that public comment on the confirmation of

the effective date of these guidelines to be impracticable and unnecessary because the Department is forced to take this action due to the temporary closing of Federal offices and the furlough, caused by the partial government shutdown, affecting 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, December 7, 1995, is deferred until January 29, 1996.

Signed at Washington, DC this 22nd day of January, 1996.

Charles L. Smith,

Deputy Assistant Secretary.

[FR Doc. 96-1232 Filed 1-24-96; 8:45 am]

BILLING CODE 4510-86-M

DEPARTMENT OF DEFENSE

Corps of Engineers

33 CFR Part 334

Sinclair Inlet, Puget Sound, Bremerton, WA; Naval Restricted Areas

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Final rule.

SUMMARY: The Corps is adopting as a final rule without modification, an interim final rule which amends the regulations reestablishing two restricted areas in the waters of Sinclair Inlet adjacent to the Puget Sound Naval Shipyard (PSNS), Bremerton, Washington. The amendments made by the interim final rule are essential to safeguard U.S. Navy vessels and Government facilities from sabotage and other subversive acts, accidents, or other incidents of a similar nature. The promulgation of this final rule is also necessary to protect vessels and individuals from the dangers associated with the industrial waterfront facilities at the shipyard.

DATES: Effective January 25, 1996.

ADDRESSES: HQUSACE, CECW-OR, Washington, DC 20314-1000.

FOR FURTHER INFORMATION CONTACT: Mr. Jonathan Freedman, Regulatory Branch, Seattle District at (206) 764-3495, or Mr. Ralph Eppard, Regulatory Branch, CECW-OR at (202) 761-1783.

SUPPLEMENTARY INFORMATION: Pursuant to its authorities in Section 7 of the