

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 178

[Docket No. 86F-0151]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to permit the use of hydrogen peroxide solution to sterilize ethylene-acrylic acid copolymer food-contact surfaces. This action responds to a petition filed by the Dow Chemical Co.

DATES: Effective December 23, 1986; objections by January 22, 1987.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Leonard C. Gosule, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the *Federal Register* of May 7, 1986 (51 FR 16896), FDA announced that a petition (FAP 6B3928) had been filed by the Dow Chemical Co., Midland, MI 48674, proposing that § 178.1005 *Hydrogen peroxide solution* (21 CFR 178.1005) be amended to provide for the safe use of hydrogen peroxide solution to sterilize food-contact surfaces prepared from ethylene-acrylic acid copolymers complying with § 177.1310 (21 CFR 177.1310).

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed use of the food additive is safe, and that the regulations 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 (address above) 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 and 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. This action was considered under FDA's final rule implementing the National Environmental Policy Act (21 CFR Part 25).

Any person who will be adversely affected by this regulation may at any time on or before January 22, 1987, 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 of the Center for Food Safety and Applied Nutrition, 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(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

2. In § 178.1005 by revising paragraph (e)(1) to read as follows:

§ 178.1005 Hydrogen peroxide solution.

(e) *Conditions of use.* (1) Hydrogen peroxide solution identified in and complying with the specification in this section may be used by itself or in combination with other processes to treat food-contact surfaces prepared from ethylene-acrylic acid copolymers complying with § 177.1310 of this chapter, ionomeric resins complying with § 177.1330 of this chapter, ethylene-methyl acrylate copolymer resins complying with § 177.1340 of this chapter, ethylene-vinyl acetate copolymers complying with § 177.1350 of this chapter, olefin polymers complying with § 177.1520 of this chapter, polyethylene terephthalate polymers complying with § 177.1630 of this chapter (excluding polymers described in § 177.1630(c)), and polystyrene and rubber-modified polystyrene polymers complying with § 177.1640 to attain commercial sterility at least equivalent to that attainable by thermal processing for metal containers as provided for in Part 113 of this chapter.

Dated: December 15, 1986.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 86-28717 Filed 12-22-86; 8:45 am]

BILLING CODE 4190-01-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Parts 210 and 216

Royalty Management; Forms and Reports

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Final rule.

SUMMARY: The Minerals Management Service (MMS) is amending 30 CFR Parts 210 and 216 to add references to three informational handbooks. These

handbooks provide royalty payors or production reporters on Federal and Indian leases with specific guidelines on how to prepare and submit required forms and reports to MMS.

EFFECTIVE DATE: December 23, 1986.

ADDRESS: Handbooks may be obtained from: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Minerals Management Service, P.O. Box 25165, MS 628, Denver Federal Center, Denver, Colorado 80225.

FOR FURTHER INFORMATION CONTACT: Dennis Whitcomb, (303) 231-3432.

SUPPLEMENTARY INFORMATION:

I. Description of Handbooks

These amendments to 30 CFR add references to three informational handbooks that provide specific guidance to payors or reporters on how to prepare and submit reports or forms required by MMS to meet congressionally mandated accounting and audit responsibilities relating to Federal and Indian mineral royalty management.

A new section is added to Part 210, Subpart B—Oil and Gas, General, to reference an *Auditing and Financial System (AFS) Oil and Gas Payor Handbook* and a *Production Accounting and Auditing System (PAAS) Reporter Handbook* which are available from MMS. The AFS Oil and Gas Payor Handbook consists of two volumes and is distributed to all oil and gas lease payors. Volume I contains an overview of the AFS reporting structure and detailed instructions for completing a required Payor Information Form MMS-4025. Volume II contains detailed instructions, by transaction code, on how to complete a required Report of Sales and Royalty Remittance Form MMS-2014. Both volumes of this handbook contain numerous examples to assist payors in their preparation of the two required AFS forms.

The *PAAS Reporter Handbook* consists of four volumes and is distributed to reporters who are subject to production reporting requirements as appropriate. The volumes contain detailed instructions and examples on how to complete various required PAAS forms and reports.

A new section is added to Part 210, Subpart E—Solid Minerals, General, to reference an *Auditing and Financial System (AFS) Solid Minerals Payor Handbook* and the *PAAS Reporter Handbook*, described above. The *AFS Solid Minerals Payor Handbook* consists of one volume and is distributed to all solid minerals lease payors. The handbook provides detailed instructions for completing a required

Payor Information Form MMS-4030 and a required Report of Sales and Royalty Remittance Form MMS-4014. The handbook contains numerous examples to assist solid minerals payors in their preparation of the required AFS forms and reports.

A new section is also added to Part 210, Subpart A—General Provisions, to reference the *PAAS Reporter Handbook*, described above.

A copy of any of the above referenced handbooks will be provided to interested persons upon request. If a handbook is desired, contact Dennis Whitcomb at the address shown in the "ADDRESS" section of this preamble. Only one copy of any individual handbook will be provided to a requestor.

II. Procedural Matters

Administrative Procedure Act

The changes included in this rulemaking are additions to reference supplemental information available from MMS and not substantive changes. Accordingly, pursuant to 5 U.S.C. 553(b), it has been determined that it is unnecessary to issue proposed regulations before the issuance of this final regulation. For the same reason, it has been determined that in accordance with 5 U.S.C. 553(d), there is good cause to make this regulation effective upon publication in the *Federal Register*.

Executive Order 12291 and Regulatory Flexibility Act

Because the amendments merely reference supplemental information available from MMS, the Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Paperwork Reduction Act of 1980

The information collection requirements contained in the three Handbooks have been approved by the Office of Management and Budget under 44 U.S.C. 3504(h) and assigned clearance numbers 1010-0022, 0033, 0040, 0063, and 0064.

National Environmental Policy Act of 1969

The Department of the Interior has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required under the National

Environmental Policy Act of 1969 [42 U.S.C. 4332(2)(C)].

List of Subjects

30 CFR Part 210

Continental shelf, Geothermal energy, Government contracts, Mineral royalties, Oil and gas exploration, Public lands—mineral resources, Reporting and recordkeeping requirements.

30 CFR Part 216

Mineral production, Mineral royalties, Reporting and recordkeeping requirements, Oil and gas, Solid minerals.

Dated: November 20, 1986.

J. Steven Griles,

Assistant Secretary—Land and Minerals Management.

For the reasons set out in the preamble, 30 CFR Parts 210 and 216 are amended as follows:

SUBCHAPTER A—ROYALTY MANAGEMENT

PART 210—[AMENDED]

1. The authority citation for Part 210 is revised to read as follows:

Authority: 25 U.S.C. 396 *et seq.*; 25 U.S.C. 396a *et seq.*; 25 U.S.C. 2101 *et seq.*; 30 U.S.C. 181 *et seq.*; 30 U.S.C. 351 *et seq.*; 30 U.S.C. 1001 *et seq.*; 30 U.S.C. 1701 *et seq.*; 43 U.S.C. 1301 *et seq.*; 43 U.S.C. 1331 *et seq.*; and 43 U.S.C. 1801 *et seq.*

§ 210.54 [Redesignated from § 210.53]

2. Section 210.53 is redesignated as § 210.54.

3. A new § 210.53 is added to Subpart B to read as follows:

§ 210.53 Reporting instructions.

(a) Specific guidance on how to prepare and submit required information collection reports and forms to MMS is contained in an *Auditing and Financial System (AFS) Oil and Gas Payor Handbook* and a *Production Accounting and Auditing System (PAAS) Reporter Handbook* which are available from: Minerals Management Service, Attention: Lessee (or Reporter) Contact Branch, P.O. Box 5760, TA, Denver, Colorado 80217.

(b) Royalty payors or production reporters should refer to these handbooks for specific guidance with respect to oil and gas reporting requirements. If additional information is required, the payor or reporter should contact the MMS Lessee Contact Branch with respect to royalty reporting, or the MMS Reporter Contact Branch with respect to production reporting at the above address. The appropriate

telephone numbers are listed in the handbooks.

4. A new § 210.204 is added to Subpart E to read as follows:

§ 210.204 Reporting instructions.

(a) Specific guidance on how to prepare and submit required information collection reports and forms to MMS is contained in an *Auditing and Financial System (AFS) Solid Minerals Payor Handbook* and a *Production Accounting and Auditing System (PAAS) Reporter Handbook* which are available from: Minerals Management Service, Attention: Lessee (or Reporter) Contact Branch, P.O. Box 5760, TA, Denver, Colorado 80217.

(b) Royalty payors or production reporters should refer to these handbooks for specific guidance with respect to solid minerals reporting requirements. If additional information is required, the payor or reporter should contact the MMS Lessee Contact Branch with respect to royalty reporting, or the MMS Reporter Contact Branch with respect to production reporting at the above address. The appropriate telephone numbers are listed in the handbooks.

PART 216—(AMENDED)

1. The authority citation for Part 216 is revised to read as follows:

Authority: 25 U.S.C. 396 *et seq.*; 25 U.S.C. 396a *et seq.*; 25 U.S.C. 2101 *et seq.*; 30 U.S.C. 181 *et seq.*; 30 U.S.C. 351 *et seq.*; 30 U.S.C. 1001 *et seq.*; 30 U.S.C. 1701 *et seq.*; 43 U.S.C. 1301 *et seq.*; 43 U.S.C. 1331 *et seq.*; and 43 U.S.C. 1801 *et seq.*

2. A new § 216.15 is added to Subpart A to read as follows:

§ 216.15 Reporting instructions.

(a) Specific guidance on how to prepare and submit required information collection reports and forms to MMS is contained in a *Production Accounting and Auditing System (PAAS) Reporter Handbook*, which is available from: Minerals Management Service, Attention: Reporter Contact Branch, P.O. Box 17110, Denver, Colorado 80217.

(b) Production reporters should refer to this handbook for specific guidance with respect to production reporting requirements. If additional information is required, the reporter should contact the MMS Reporter Contact Branch at the above address. The telephone number is listed in the handbook.

[FR Doc. 86-28706 Filed 12-22-86; 8:45 am]
BILLING CODE 4310-MR-M

PANAMA CANAL COMMISSION

35 CFR Part 103

General Provisions Governing Vessels

AGENCY: Panama Canal Commission.

ACTION: Final rule.

SUMMARY: The Panama Canal Commission is today adopting an interim final rule amending 35 CFR 103.8, concerning preference in transit schedulings and order of transiting vessels. These changes take into account the agency's experience with the Panama Canal Transit Booking System over the preceding three years and the needs of the shipping community.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Rhode, Jr., Secretary, Panama Canal Commission, telephone: (202) 634-6441, or Mr. John L. Haines, Jr., General Counsel, telephone in Balboa Heights, Republic of Panama, 011-507-52-7511.

SUPPLEMENTARY INFORMATION: On July 30, 1986, an interim rule was published in the *Federal Register* (51 FR 27174) setting forth several changes to the booking system regulations based on numerous requests from Canal users that the Canal Commission revise the arrival time requirements in the prior rules. The revisions take into account the need to better serve our customers, without adversely affecting Canal operations. Interested parties were given the opportunity to submit written comments by August 29, 1986. During that time period, the agency received a single comment relating to the decision to clarify the term *force majeure* by rephrasing the grounds to be considered in waiving a forfeiture of the booking fee. The writer expressed a preference for the term *force majeure* as a generally accepted marine term. Since, however, the change was initiated in response to customer confusion with the term, the Commission believes that clarification better serves Canal users.

Following is a summary of how the rules published today modify the rules which have been in effect concerning preference in the transit schedule and order of transiting vessels:

The Commission's regulations, in § 103.8(f)(1), require that booked vessels which are subject to transit restrictions arrive at a terminus of the Canal by midnight (2400 hours) of the day prior to the intended transit. Booked vessels which are not subject to transit restrictions must arrive prior to noon of the day of the intended transit. This section is revised to allow both classes of vessels to arrive at a Canal terminus

one hour later. Under this revision, restricted vessels must arrive not later than 0100 hours of the day of the transit, and non-restricted vessels must arrive not later than 1300 of the day of the transit.

In addition to the arrival time changes, the agency has revised the rules concerning forfeiture of the booking fee. The present rules provide that a vessel which does not arrive by the specified arrival time forfeits the booking fee unless its arrival has been delayed by *force majeure*. As stated above, the term *force majeure* has caused some confusion in the past, and accordingly, the grounds for waiving a forfeiture have been rephrased. Under the revised rule no forfeiture will occur, if the vessel's arrival is delayed by a natural event of major proportions, not caused by the intervention of man, which could not reasonably be predicted in advance. Heavy seas are not considered such a major natural event.

The amendment concerning the arrival times is a *de minimis* change that liberalizes current rules for booked vessels. The revision of the *force majeure* rule is not substantive, but is intended to clarify the rule.

The Commission has determined that this rule does not constitute a major rule within the meaning of Executive Order 12291 dated February 17, 1982 (47 FR 13193). The bases for that determination are, first, that the rule, when implemented would not have an effect on the economy of \$100 million or more per year, and secondly, that the rule would not result in a major increase in costs or prices for consumers, individual industries, local governmental agencies or geographic regions. Further, the agency has determined that implementation of the rule will have no adverse effect on competition, employment, investment, productivity, innovation or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Finally, the Commission has determined that this rule is not subject to the requirements of sections 603 and 604 of Title 5, United States Code, in that its promulgation will not have a significant impact on a substantial number of small entities, and the Administrator of the Commission so certifies pursuant to 5 U.S.C. 605(b).

List of Subjects in 35 CFR Section 103.8

Panama Canal, Vessels, Booking system, Navigation (Water).