

By authority of the Board.
For the Board,

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 95-11142 Filed 5-4-95; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 178

[Docket No. 94F-0440]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

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 2,2'-methylenebis(4-methyl-6-*tert*-butylphenol)monoacrylate as an antioxidant in acrylonitrile-butadiene-styrene copolymers intended for use in contact with food. This action is in response to a petition filed by Sumitomo Chemical America, Inc.

DATES: Effective May 5, 1995; written objections and requests for a hearing by June 5, 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: Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS-216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3081.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of January 3, 1995 (60 FR 129), FDA announced that a food additive petition (FAP 5B4443) had been filed by Sumitomo Chemical America, Inc., 345 Park Ave., New York, NY 10154. The petition proposed to amend the food additive regulations in § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) to provide for the safe use of 2,2'-methylenebis(4-methyl-6-*tert*-butylphenol)monoacrylate as an antioxidant in acrylonitrile-butadiene-styrene copolymers complying with § 177.1020 (21 CFR 177.1020) intended for use in contact with food.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed food additive use is safe, and that the

regulations in § 178.2010 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 June 5, 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 objection 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, Center for Food Safety and Applied Nutrition, 21 CFR 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, 402, 409, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 379e).

2. Section 178.2010 is amended in the table in paragraph (b) for the entry "2,2'-methylenebis(4-methyl-6-*tert*-butylphenol)monoacrylate" by adding a new entry "4." under the heading "Limitations" to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitations
* * * * *	* * * * *
2,2'-Methylenebis(4-methyl-6- <i>tert</i> -butylphenol)monoacrylate (CAS Reg. No. 61167-58-6).	For use only: * * * * * 4. At levels not to exceed 0.5 percent by weight of acrylonitrile-butadiene-styrene copolymers that comply with § 177.1020 of this chapter when used in articles that contact food only under conditions of use E, F, and G as described in Table 2, § 176.170 (c) of this chapter.
* * * * *	* * * * *

Dated: April 24, 1995.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 95-11060 Filed 5-4-95; 8:45 am]

BILLING CODE 4160-01-F

NATIONAL LABOR RELATIONS BOARD

29 CFR Part 100

Administrative Regulations

AGENCY: National Labor Relations Board (NLRB).

ACTION: Correction.

SUMMARY: On July 21, 1994, the National Labor Relations Board amended its administrative regulations (59 FR 31757) governing the standards of conduct and financial disclosure requirement of its employees of the Agency. Most of those regulations had been superseded by the Standards of Ethical Conduct for Employees of the Executive Branch issued by the Office of Government (OGE). The NLRB published the rule to repeal those portions of the provisions that were superseded by the executive branch-wide standards and to update cross-references in the current regulations that continued to be applicable. The NLRB is publishing this rule to correct amendatory instructions 4. and 5. and amendatory instruction 10. (59 FR 37158) of that amending rule.

EFFECTIVE DATE: The removal of § 100.106, the removal of § 100.201 of Subpart B, and the redesignation of § 100.123 as the new § 100.201 of Subpart B are effective July 21, 1994.

FOR MORE INFORMATION CONTACT:

Gloria Joseph, Director of Administration, National Labor Relations Board, Room 7109, 1099 14th Street NW., Washington, DC 20570-0001. (202-273-3890).

List of Subjects in 29 CFR Part 100

Administrative Regulations, Government employees, cooperation in audits and investigations, employee personal property loss claims, claims under the Federal Tort Claims Act, nondiscrimination on the basis of handicap in NLRB programs.

PART 100—[CORRECTED]

§ 100.103 through 100.106 [Removed]

1. On page 37158, in the third column, amendatory instructions 4. and 5. should read as follows:

4. and 5. Sections 100.103 through 100.106 are removed.

Subpart B—Cooperation in Audits and Investigations

2. On page 37158, in the third column, amendatory instruction 10. should read as follows:

10. § 100.201 of Subpart B is removed and § 100.123 is redesignated as the new § 100.201 of Subpart B and revised to read as follows:

Dated: Washington, DC, May 1, 1995.
By direction of the Board.

National Labor Relations Board.

Joseph E. Moore,

Acting Executive Secretary.

[FR Doc. 95-11078 Filed 5-4-95; 8:45 am]

BILLING CODE 7545-01-M

POSTAL SERVICE

39 CFR Part 111

Special Bulk Third-Class Eligibility Restrictions

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This final rule implements provisions of Public Laws 103-123 and 103-329 that further restrict the kinds of advertisements and products that are mailable at the special bulk third-class rates by authorized organizations.

EFFECTIVE DATE: October 1, 1995.

FOR FURTHER INFORMATION CONTACT: Ernest Collins, (202) 268-5316.

SUPPLEMENTARY INFORMATION: On October 28, 1993, the President signed into law Public Law 103-123, the Treasury, Postal Service, and General Government Appropriations Act for 1994. Title VII of the Act, the Revenue Forgone Reform Act, amended 39 U.S.C. 3626 by adding provisions to subsection (j) as well as new subsection (m) (1993 amendments). These sections add further restrictions on the use of special bulk third-class postage rates by qualified organizations.

On September 30, 1994, the President signed into law Public Law 103-329, the Treasury, Postal Service, and General Government Appropriations Act for 1995 (1994 amendment), amending provisions of Public Law 103-123. The amendment creates an exception to the 1993 amendments for advertisements printed in materials that meet the content requirements for periodical publications as prescribed by the Postal Service.

The Postal Service published in the **Federal Register** (60 FR 12490-12492) on March 7, 1995, a proposal to amend the Domestic Mail Manual (DMM) to implement certain provisions of Public Laws 103-123 and 103-329. These provisions made certain types of matter ineligible to be mailed at the special bulk third-class postage rates, which are available for use by certain nonprofit organizations, political committees, and voting registration officials. The Postal Service requested comments by April 6, 1995.

The 1993 amendments established new content-based restrictions on matter eligible for special bulk third-

class rates. In order for material that advertises, promotes, offers, or, for a fee or consideration, recommends, describes, or announces the availability of any product or service (other than insurance, travel, or financial instruments, which were the subject of restrictions in previous legislation and rulemaking) to qualify for mailing at the special bulk third-class rates, the sale of the product or the providing of the service must be substantially related to the exercise or performance by the organization of one or more of the purposes constituting the basis for the organization's authorization to mail at such rates. The determination of whether a product or service is substantially related to an organization's purpose is to be made in accordance with standards established under the Internal Revenue Code. The amendments also added restrictions on the mailing of products at the special bulk third-class rates.

The 1994 amendment provides that advertisements mailed at the special bulk third-class rates need not meet the substantially related test if the material of which the advertisement is a part meets the content requirements for a periodical publication, as specified by the Postal Service. The 1994 amendment does not affect the restrictions on the mailing of products established in the 1993 amendments.

The only products mailable at the special bulk third-class rates are low-cost products as defined under the Internal Revenue Code, items donated or contributed to the qualified organization, and periodical publications of authorized organizations. The Postal Service views the new provisions as supplementary to, rather than a change to or replacement for, existing restrictions on special-rate mailings. That is, mailings ineligible for the special rates under existing rules remain ineligible for these rates, regardless of whether they violate the new restrictions. Further, mailings that violate the new restrictions would not be eligible for the special rates, regardless of whether they would be eligible under existing rules.

As the Postal Service has pointed out in prior rulemakings, it should be recognized that the Postal Service has limited discretion on what may be mailed at the special rates. These historically subsidized rates are based on statutes that prescribe standards for who may mail at the special rates and what may be sent at those rates. The Postal Service views its role as the administrator of these laws. Accordingly, its goal in this rulemaking