

under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71, as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

Paragraph 6010(a)—Domestic VOR Federal Airways

* * * * *

V-86 [Revised]

From Missoula, MT; Coppertown, MT; Whitehall, MT; Bozeman, MT; INT Bozeman 128° and Livingston, MT, 261° radials; Livingston; 11 miles, 25 miles, 85 MSL, Billings, MT; 32 miles, 35 miles, 75 MSL; Sheridan, WY; 20 miles, 45 miles, 70 MSL, 63 miles, 80 MSL, to Rapid City, SD.

* * * * *

Issued in Washington, DC, on September 12, 1995.

Reginald C. Matthews,
Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 95–23343 Filed 9–19–95; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 91

[Docket No. 26834; Special Federal Aviation Regulation (SFAR) No. 65–1]

RIN 2120–AF85

Prohibition Against Certain Flights Between the United States and Libya

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This final rule replaces the flight prohibition implemented by the FAA in SFAR 65, which became effective on April 20, 1992, and expired on April 16, 1993. This action prohibits the takeoff from landing in, or overflight of the territory of the United States by

an aircraft on a flight to or from the territory of Libya. This action further prohibits the landing in, takeoff from, or overflight of the territory of the United States by any aircraft on a flight from or to any intermediate destination, if the flight's origin or ultimate destination is Libya. Exceptions are made for particular flights approved by the United States Government in consultation with the UN Security Council committee established under Security Council Resolution 748 (1992) and for certain emergency operations. This action is necessary to implement Executive Orders 12543 (1986) and 12801 (1992) and Resolution 748 mandating an embargo of air traffic with Libya.

DATES: The removal of SFAR 65 and the addition of SFAR 65–1 are effective on September 20, 1995. SFAR 65–1 shall remain in effect until further notice.

FOR FURTHER INFORMATION CONTACT: Mark W. Bury, International Affairs and Legal Policy Staff, AGC–7, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone 202–267–3515.

SUPPLEMENTARY INFORMATION:

Availability of Document

Any person may obtain a copy of this document by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Public Inquiry Center, APA–230, 800 Independence Avenue S.W., Washington, DC 20591, or by calling 202–267–3484. Communications must identify the number of this SFAR. Persons interested in being placed on a mailing list for future rules should also request a copy of the Advisory Circular No. 11–2A, which describes the application procedure.

Background

The Federal Aviation Administration (FAA) is responsible for the safety of flight in the United States and the safety of U.S.-registered aircraft and U.S. operators throughout the world. Section 40101(d)(1) of Title 49, United States Code, requires the Administrator of the FAA to consider the regulation of air commerce in a manner that best promotes safety and fulfills the requirements of national security as being in the public interest. In addition, 49 U.S.C. 40105(b)(1)(A) requires the Administrator to exercise his authority consistently with the obligations of the United States Government under an international agreement.

One such international agreement is the Charter of the United Nations (the Charter) (59 Stat. 1031; 3 Bevans 1153

(1945)). Under Article 25 of the Charter, “the members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.” Article 48(1) of the Charter further provides, in pertinent part, that “[t]he action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all members of the United Nations * * *.”

On March 31, 1992, acting under Chapter VII of the Charter, the Security Council adopted Resolution 748, mandating an embargo of certain air traffic with Libya. Paragraph 4(a) of Resolution 748 requires all states to deny permission to any aircraft to take off from, land in, or overfly their territory if the aircraft is destined to land in or has taken off from the territory of Libya. An exception to this prohibition is made for flights that have been approved on the grounds of urgent humanitarian need by the Security Council committee established by paragraph 9 of Resolution 748. The terms of Resolution 748 were reaffirmed by the Security Council in Resolution 883 (1993).

The United States Government has taken several actions to restrict air transportation between the United States and Libya. On January 7, 1986, the President issued Executive Order 12543, which prohibits “[a]ny transaction by a United States person relating to transportation to or from Libya * * * or the sale in the United States by any person holding authority under the Federal Aviation act of any transportation by air which includes any stop in Libya.” On January 30, 1986, the Secretary of Transportation implemented Executive Order 12543 by issuing Order 86–2–23, which amended all Department of Transportation (DOT) certificates issued under section 401 of the Federal Aviation Act, all permits issued under section 402 of the Act, and all exemptions from sections 401 and 402 accordingly.

In response to UN Resolution 748, the President issued Executive Order 12801 on April 15, 1992. Section 1 of Executive order 12801 prohibits:

the granting of permission to any aircraft to take off from, land in, or overfly the United States, if the aircraft, as part of the same part of the same flight or a continuation of that flight, is destined to land in or has taken off from the territory of Libya * * *.

Executive Order 12801 cited the President's authority under the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C.

1601 *et seq.*), section 1114 of the Federal Aviation Act of 1958, as amended (formerly codified at 49 U.S.C. app. 1514, now recodified at 49 U.S.C. 40106), section 301 of Title 3, United States Code (3 U.S.C. 301), and section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c). In particular, the United Nations Participation Act provides that:

Notwithstanding the provisions of any other law, whenever the United States is called upon by the (UN) Security Council to apply measures which said Council has decided * * * are to be employed to give effect to its decisions under the (United Nations) Charter, the President may, to the extent necessary to apply such measures, through any agency which he may designate, and under such orders, rules, or regulations as may be prescribed by him, investigate, regulate, or prohibit, in whole or in part, economic relations of rail, sea, [and] air * * * between any foreign country or any national thereof or any person therein and the United States or any person subject to the jurisdiction thereof * * *.

In support of Executive Order 12801, the FAA adopted SFAR 65 on April 16, 1992. SFAR 65 prohibited the takeoff from, landing in, or overflight of the territory of the United States by an aircraft on a flight to or from the territory of the Libya. SFAR 65 also prohibited the landing in, takeoff from, or overflight of the territory of the United States by any aircraft on a flight from or to any intermediate destination, if the flight is destined to land in or take off from the Libya. SFAR 65 expired on April 16, 1993.

Copies of UN Security Council Resolution 748, Executive Orders 12543 and 12801, and DOT Order 86-2-23, all of which remain in effect, have been placed in the docket for this rulemaking. **Prohibition Against Certain Flights Between the United States and Libya**

On the basis of the above, and in support of the Executive Order of the President of the United States, I find that immediate action by the FAA is required to implement Executive Orders 12543 and 12801 and to meet the obligations of the United States under international law as evidenced by U.N. Security Council Resolution No. 748. Accordingly, I am ordering a prohibition on the takeoff from, landing in, or overflight of the territory of the United States by an aircraft on a flight that has Libya as its origin or ultimate destination. Operations approved by the United States Government in consultation with the UN Security Council committee established under Resolution 748 and certain emergency operations shall be excepted from this prohibition. For the reasons stated

above, I also 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 publication. I also find that this action is fully consistent with my obligations under section 49 U.S.C. 40105(b)(1)(A) to act consistently with the obligations of the United States under international agreements.

The rule contains no expiration date, and will be terminated as soon as the underlying legal requirements leading to its adoption are removed.

Regulatory Evaluation

The potential cost of this regulation is limited to the net revenue of commercial flights between the United States and Libya. However, revenue flights to Libya are currently prohibited by DOT Order 86-2-23. Accordingly, this action will impose no additional burden on those 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

DOT Order 86-2-23 prohibits U.S. and foreign air carriers from engaging in the sale of air transportation to or from Libya. This SFAR does not impose any restrictions on commercial carriers beyond those imposed by the DOT Order. Therefore, the SFAR will 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.

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 not considered a "significant

rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Because revenue flights to Libya are already prohibited by DOT Order 86-2-23, 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, Freight, Libya.

The Amendment

For the reasons set forth above, the Federal Aviation Administration is amending 14 CFR Part 91 as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

1. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. app. 1301(7), 1303, 1344, 1348, 1352 through 1355, 1401, 1421 through 1431, 1471, 1472, 1502, 1510, 1522, and 2121 through 2125; Articles 12, 29, 31, and 32(a) of the Convention on International Civil Aviation (61 Stat. 1180); 42 U.S.C. 4321 *et seq.*; E.O. 11514, 35 FR 4247, 3 CFR, 1966-1970 Comp., p. 902; 49 U.S.C. 106(g).

Part 9 SFAR 65 [Removed]

2. SFAR 65, which expired April 16, 1993, is removed.

Part 91 SFAR 65-1 [Added]

3. Special Federal Aviation Regulation (SFAR) No. 65-1 is added to read as follows:

Special Federal Aviation Regulation No. 65-1—Prohibition Against Certain Flights Between the United States and Libya

1. Applicability. This Special Federal Aviation Regulation (SFAR) No. 65-1 applies to all aircraft operations originating from, landing in, or overflying the territory of the United States.

2. Special flight restrictions. Except as provided in paragraphs 3 and 4 of this SFAR No. 65-1—

(a) No person shall operate an aircraft on a flight to any point in Libya, or to any intermediate point on a flight where the ultimate destination is any point in Libya or that includes a landing at any point in Libya in its intended itinerary, from any point in the United States;

(b) No person shall operate an aircraft on a flight to any point in the United States from any point in Libya, or from any intermediate point on a flight where the origin is in Libya, or from any point on a flight which includes a departure from any point in Libya in its intended itinerary; or

(c) No person shall operate an aircraft over the territory of the United States if that aircraft's flight itinerary includes any landing at or departure from any point in Libya.

3. Permitted operations. This SFAR shall not prohibit the flight operations between the

United States and Libya described in section 2 of this SFAR by an aircraft authorized to conduct such operations by the United States Government in consultation with the committee established by UN Security Council Resolution 748 (1992), as affirmed by UN Security Council Resolution 883 (1993).

4. Emergency situations. In an emergency that requires immediate decision and action for the safety of the flight, the pilot in command of an aircraft may deviate from this SFAR to the extent required by that emergency. Except for U.S. air carriers and commercial operators that are subject to the requirements of 14 CFR 121.557, 121.559, or 135.19, each person who deviates from this rule shall, within ten (10) days of the deviation, excluding Saturdays, Sundays, and Federal holidays, submit to the nearest FAA Flight Standards District Office a complete report of the operations or the aircraft involved in the deviation, including a description of the deviation and the reasons therefor.

5. Duration. This SFAR No. 65-1 shall remain in effect until further notice.

Issued in Washington, DC on September 13, 1995.

David R. Hinson,
Administrator.

[FR Doc. 95-23346 Filed 9-19-95; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 10, 12, 24, 123, 134, 162, 174, 177, 178, 181 and 191

[T.D. 95-68]

RIN 1515-AB33

North American Free Trade Agreement

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule; correction.

SUMMARY: This document makes a correction to the document published in the Federal Register that adopts as a final rule, with some changes, interim amendments to the Customs Regulations to implement the preferential tariff treatment and other Customs-related provisions of the North American Free Trade Agreement (NAFTA) and the North American Free Trade Agreement Implementation Act. The correction concerns the discussion of a comment in the Background portion of the document regarding the calculation of NAFTA drawback.

EFFECTIVE DATE: This correction is effective October 1, 1995.

FOR FURTHER INFORMATION CONTACT: William Rosoff, Entry Rulings Branch (202-482-7040).

SUPPLEMENTARY INFORMATION:

Background

On September 6, 1995, Customs published in the Federal Register (60 FR 46334) T.D. 95-68 to adopt as a final rule, with some changes, interim amendments to the Customs Regulations implementing the preferential tariff treatment and other Customs-related provisions of the North American Free Trade Agreement (NAFTA) and the North American Free Trade Agreement Implementation Act, Public Law 103-182, 107 Stat. 2057. These final NAFTA implementing regulations take effect on October 1, 1995.

The **SUPPLEMENTARY INFORMATION** portion of T.D. 95-68 included a detailed discussion of the public comments submitted to Customs on the interim NAFTA implementing regulations. One such comment concerned interim § 181.44(b) and stated, with reference to a specific example, that the regulation was unclear as to the calculation of NAFTA drawback (that is, with regard to how the required duty comparison is to be made) when two or more components are used in the process of manufacture. The Customs response to this comment included a general statement of the principle to be applied and also stated that a new paragraph (b) was being added to § 181.44 to set forth the relative value calculation and individual comparison principle.

On further review of the response to the submitted comment, Customs has determined that the response neither specifically addressed the example provided in the comment nor adequately expressed the principle reflected in the new paragraph (b) text. This document corrects the Customs response in question accordingly.

Correction of Publication

In the document published in the Federal Register as T.D. 95-68 on September 6, 1995 (60 FR 46334), on page 46339, under the heading "Section 181.44(b)", the paragraph beginning at the bottom of the first column and ending at the top of the second column before the example is corrected to read as follows:

Customs response: With respect to the duty comparison referred to in the comment, the comparison should be made between the total duty paid on all imported materials or component parts and the duty paid on the finished article exported to Canada or Mexico: In the example cited by the commenter, the total duty of \$6.00 paid on the two imported parts would be compared to the \$5.00 in Canadian or Mexican duty

paid on the exported finished article, resulting in \$5.00 in drawback. Where multiple finished articles are produced from one imported component or material, relative value will be used to determine how the comparison is to be made between the duty paid on the imported component or material and the duty paid on each individual exported finished article. Section 181.44, as set forth below, has been modified by redesignating paragraphs (b)-(e) as (c)-(f) and adding a new paragraph (b) which sets forth the relative value calculation and individual comparison principle and includes the following example to illustrate the rule where multiple articles are produced from one component or material:

Dated: September 14, 1995.

Harvey B. Fox,

Acting Assistant Commissioner, Office of Regulations and Rulings.

[FR Doc. 95-23269 Filed 9-19-95; 8:45 am]

BILLING CODE 4820-02-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 175

[Docket No. 88F-0303]

Indirect Food Additives: Adhesives and Components of Coatings

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 the following additives as components of coatings that contact food: meta-xylylenediamine (1,3-benzenedimethanamine), para-xylylenediamine (1,4-benzenedimethanamine), 3-diethylaminopropylamine, benzyl alcohol, salicylic acid, N-beta-(aminoethyl)-gamma-aminopropyltrimethoxysilane, and castor oil, hydrogenated polymer with ethylenediamine, 12-hydroxyoctadecanoic acid, and sebacic acid. This action responds to a petition filed by Sigma Coatings.

DATES: Effective September 20, 1995; written objections and requests for a hearing by October 20, 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.