

airspace within R-5207 and Canada is excluded.

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Reginald C. Matthews,

*Acting Manager, Airspace-Rules and Aeronautical Information Division.*

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 184

[Docket No. 95N-0189]

#### Maltodextrin; Food Chemicals Codex Specifications

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Proposed rule.

**SUMMARY:** The Food and Drug Administration (FDA) is proposing to adopt the Food Chemicals Codex specifications for maltodextrin derived from corn starch. The agency is proposing to amend its regulations by removing the requirement that maltodextrin be of a purity suitable for its intended use and by adding a requirement that the substance comply with the Food Chemicals Codex, 3d ed., 3d supp. (1992) specifications for maltodextrin. Elsewhere in this issue of the Federal Register, the agency is also publishing a final rule adopting the same specifications for maltodextrin derived from potato starch.

**DATES:** Written comments by November 20, 1995.

**ADDRESSES:** Submit written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Andrew D. Laumbach, Center for Food Safety and Applied Nutrition (HFS-217), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3071.

**SUPPLEMENTARY INFORMATION:** In the Federal Register of November 15, 1983 (48 FR 51911), FDA published a final rule that affirmed the use in food of maltodextrin derived from corn starch as generally recognized as safe (GRAS) in § 184.1444 (21 CFR 184.1444). No food-grade specifications were available for maltodextrin at that time. Therefore, the regulation required that the maltodextrin be of a purity suitable for

its intended use. The agency stated, however, that it was working with the Committee on Food Chemicals Codex of the National Academy of Sciences to develop food-grade specifications for maltodextrin, and that it would incorporate the specifications into the maltodextrin regulation upon completion.

In 1992, the Food Chemicals Codex Committee published its third supplement to the third edition of the Food Chemicals Codex. The supplement contains food-grade specifications for maltodextrin that is derived from any edible starch. FDA has reviewed these specifications and tentatively concludes that they are acceptable for maltodextrin derived from corn starch. Therefore, the agency is proposing in § 184.1444 to adopt these specifications for maltodextrin derived from corn starch. Elsewhere in this issue of the Federal Register, the agency is also publishing a final rule adopting the same specifications for maltodextrin derived from potato starch.

The agency has determined under 21 CFR 25.24(a)(9) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

FDA has examined the economic implications of removing the current requirement that maltodextrin be of a purity suitable for its intended use and of adding a requirement that the additive meet the Food Chemicals Codex specifications for maltodextrin, as required by Executive Order 12866 and the Regulatory Flexibility Act (Pub. L. 96-354). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The agency believes that this proposed rule is consistent with the regulatory philosophy and principles identified in the Executive Order. In addition, the proposed rule is not a significant regulatory action as defined by the Executive Order and so is not subject to review under the Executive Order.

The Regulatory Flexibility Act requires agencies to minimize the impact of their regulation on small entities. Because the proposed rule requires no change in the current industry practice concerning the manufacture and use of this ingredient,

the agency certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities. Therefore, under the Regulatory Flexibility Act, no further analysis is required.

Interested persons may, on or before November 20, 1995, submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

#### List of Subjects in 21 CFR Part 184

Food ingredients, 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, it is proposed that 21 CFR part 184 be amended as follows:

#### PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

1. The authority citation for 21 CFR part 184 continues to read as follows:

Authority: Secs. 201, 402, 409, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 371).

2. Section 184.1444 is amended by revising paragraph (b) to read as follows:

#### 184.1444 Maltodextrin.

(a) \* \* \*

(b) Maltodextrin derived from potato starch or corn starch meets the specifications of the Food Chemicals Codex, 3d ed., 3d supp. (1992), p. 125, which are incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of the Federal Register, 800 North Capitol St. NW., suite 700, Washington, DC 20408, or at the Division of Petition Control (HFS-217), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 200 C St. SW., Washington, DC 20204.

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Dated: September 6, 1995.

Fred R. Shank,

*Director, Center for Food Safety and Applied Nutrition.*

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## DEPARTMENT OF THE TREASURY

### Fiscal Service

#### 31 CFR Part 240

RIN 1510-AA45

#### Indorsement and Payment of Checks Drawn on the United States Treasury

**AGENCY:** Financial Management Service, Fiscal Service, Treasury.

**ACTION:** Proposed rule.

**SUMMARY:** This rule revises 31 CFR Part 240, which governs the indorsement and payment of checks drawn on the United States Treasury. The changes are intended both to fix the time by which Treasury can decline payment on Treasury checks and to provide financial institutions with a date certain for final payment. These rules also provide greater clarity by defining previously undefined terms and by ensuring symmetry with current Treasury regulations governing Federal payments utilizing the automated clearing house method. This rule also provides that Treasury may instruct Federal Reserve Banks to intercept and return, unpaid, benefit payment checks issued to deceased payees. These proposed revisions are issued in response to concerns raised by financial institutions, Federal agencies, and other affected parties.

**DATES:** Comments must be submitted on or before November 6, 1995.

**ADDRESSES:** All comments concerning these proposed regulations should be addressed to Ronald Brooks, Senior Program Analyst, Financial Processing Division, Financial Management Service, Prince Georges Center II Building, 3700 East-West Highway, Room 725-D, Hyattsville, Maryland 20782. Comments may be faxed to (202) 874-7534.

**FOR FURTHER INFORMATION CONTACT:** Ronald Brooks, (202) 874-7620 (Senior Program Analyst, Financial Processing Division); Paul M. Curran, (202) 874-6680 (Principal Attorney).

#### SUPPLEMENTARY INFORMATION:

##### Limitations on Payment

The current regulation provides that Treasury shall have the right to conduct first examination of Treasury checks

presented for payment, and to refuse payment of any checks within a reasonable time. The current regulation also provides that such checks shall be deemed paid only upon Treasury's completion of first examination. The proposed rule clarifies this in two ways.

First, it defines first examination, and defines material defects or alterations as including counterfeit checks. These definitions are consistent with Treasury's longstanding interpretation of these terms.

Second, it fixes the time by which Treasury must complete first examination, and provides that if Treasury fails to do so within 150 days, the check will be deemed paid. This change narrows the time by which Treasury must complete first examination since Treasury interprets the current regulation as affording up to one year for first examination. This proposed change is intended to accommodate financial institutions which seek not only a more compressed time frame for first examination but also a date certain for final payment of Treasury checks.

While Treasury will, in most cases, complete first examination within 30 days of presentment of a Treasury check to a Federal Reserve Bank, the 150 day maximum period affords Treasury sufficient time to complete first examination in certain problem cases. For example, up to 150 days may be required in instances where there are delays in Treasury's obtaining from check certifying or authorizing agencies the payment issue tapes necessary to complete first examination.

##### Recovery by Bank From Depositors

The proposed rule clarifies that the regulations contained in this part neither authorize nor direct any financial institution to debit the account of any depositor. It further clarifies that any financial institution's right of recovery against depositors is derived from both the depository contracts with its customers and any self-help remedies authorized by State law governing the relationship between financial institutions and their customers. This provision mirrors the regulations codified in 31 CFR Part 210, which pertains to "Federal Payments Through Financial Institutions By the Automated Clearing House Method."

##### Deceased Payee Check Intercepts

Currently, where a benefit payment check has been issued and negotiated after a payee's death, Treasury generally recovers the funds from financial institutions through the reclamation process. Financial institutions have

expressed dissatisfaction with these procedures because Treasury reclamation actions only occur after final payment and because in many instances the depositors have closed their accounts or withdrawn most or all of the funds. These financial institutions seek a process by which Treasury can intercept such checks upon presentment and return such checks unpaid before the financial institutions are required under Federal Reserve Regulation CC (12 C.F.R. Part 229) to make funds permanently available to their depositors. This proposed rule responds to those concerns, and should result in a lower volume of payments to nonentitled payees.

Specifically, it clarifies that benefit payment checks issued after a payee's death are not payable. It also sets forth procedures by which Treasury will instruct the Federal Reserve to intercept such checks upon presentment and return unpaid those checks which are successfully intercepted to the depository banks.

##### Rulemaking Analysis

It has been determined that this regulation is not a significant regulatory action as defined in E.O. 12866. Therefore, a Regulatory Assessment is not required.

It is hereby certified pursuant to the Regulatory Flexibility Act that this revision will not have a significant economic impact on a substantial number of small business entities. Accordingly, a Regulatory Flexibility Act analysis is not required.

These regulations impose time frames within which final payment of Treasury checks must be accomplished, and establish consequences for the failure of Treasury to honor those time frames. Consequently, these regulations provide financial institutions with greater certainty regarding the entire payment process, and place higher standards of performance on Treasury in its processing of checks.

The other principal provision of these regulations will reduce the likelihood that final payment on Treasury checks will be made to nonentitled persons. Treasury's efficiency and its ability to serve the needs of legitimate payees of benefit programs will thereby be enhanced.

##### Notice and Comment

Public Comment is solicited on all aspects of this proposed regulation. Treasury will consider all comments made on the substance of this proposed regulation, but does not intend to hold hearings.