will be subsequently published in Section 71.125 of Handbook 7400.7.

Correction of Final Rule

Accordingly, pursuant to the authority delegated to me, the publication in the Federal Register on September 18, 1995, (60 FR 48350); Airspace Docket 93–AWA–11 and the corresponding description in FAA Order 7400.9C, which is incorporated by reference in 14 CFR 71.1, are corrected as follows:

§ 71.1 [Corrected]

The description for Areas D, K, and M are corrected to read as follows:

Area D [Corrected]

Area D. That airspace extending upward from 6,000 feet MSL to and including 10,000 feet MSL beginning at a point at lat. 40°39′20″ N, long. 112°02′33″ W, extending east to point at lat. 40°39′20″ N, long. 111°58′13″ W, extending south along long. 111°58′13″ W, until intercepting the 11-mile arc of the I–BNT ILS/DME antenna, then counterclockwise until intercepting I–15, extending south on I–15 until intercepting a line at lat. 40°31′05″ N, extending west on lat. 40°31′05″ N, until a point at lat. 40°31′05″ N, long. 112°02′33″ W, then north along long. 112°02′33″ W, to intercept the 11-mile arc of the I–BNT ILS/DME antenna at lat. 40°35′22″ N, long. 112°00′33″ W, then clockwise on the 11-mile arc of I–BNT ILS/DME antenna to long. 112°02′33″ W, then to the point of beginning.

Area K [Corrected]

Area K. That airspace extending upward from 6,000 feet MSL to and including 10,000 feet MSL beginning at a point on the 13-mile arc of the I–BNT ILS/DME antenna at lat. 40°46′30″ N, long. 112°14′50″ W, extending east to the bend on I–80 at lat. 40°46′30″ N, long. 112°08′48″ W, then north along long. 112°08′48″ W, until intercepting the 13-mile arc of the I–BNT ILS/DME antenna, then counterclockwise along the 13-mile arc of the I–BNT ILS/DME antenna to the point of beginning.

Area M [Corrected]

Area M. That airspace extending upward from 9,000 feet MSL to and including 10,000 feet MSL beginning at a point where the 25-mile arc of the I–BNT ILS/DME intersects the I–15 freeway south of the Ogden Municipal Airport extending north along the I–15 freeway to the 30-mile arc of the I–BNT ILS/DME, thence counterclockwise along the 30-mile arc to long. 112°10′00″ W, then south along long. 112°10′00″ W to the 25-mile arc of the I–BNT ILS/DME, then clockwise along the 25-mile arc to the point of beginning.

Issued in Washington, DC, on October 16, 1995.

Harold W. Becker,

Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 95–26352 Filed 10–23–95; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority; Associate Commissioner for Health Affairs

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority relating to the authority of the Commissioner of Food and Drugs to provide initial responses to the Drug Enforcement Administration's (DEA) temporary scheduling notices for control of hazardous substances. This redelegation of authority is intended to ensure the prompt and efficient transmission to the DEA of these responses. This authority is being redelegated from the Commissioner of Food and Drugs to the Associate Commissioner for Health Affairs under the Controlled Substances Act (as amended), which amends the Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended hereafter. The delegation excludes the authority to submit reports to Congress.

EFFECTIVE DATE: October 24, 1995.

FOR FURTHER INFORMATION CONTACT:

Nicholas P. Reuter, Office of Health Affairs (HFY–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1382, or

Ellen Rawlings, Division of Management Systems and Policy (HFA–305), Food and Drug Administration, 301–443–4976.

SUPPLEMENTARY INFORMATION: On May 16, 1994, the Assistant Secretary for Health delegated to the Commissioner of Food and Drugs authorities under the Controlled Substances Act, as amended (Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. 811(h)(4), as amended hereafter). These authorities concern providing initial responses to the DEA's temporary scheduling notices for control of hazardous substances. The Commissioner is further redelegating these authorities to the Associate Commissioner for Health Affairs to ensure the prompt and efficient transmission to DEA of these responses. This delegation excludes the authority to submit reports to Congress.

Further redelegation of the authority delegated may only be authorized with the Commissioner's approval. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Imports, Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 5 is amended as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. The authority citation for 21 CFR part 5 continues to read as follows:

Authority: 5 U.S.C. 504, 552, App. 2; 7 U.S.C. 138a; 2271; 15 U.S.C. 638, 1261–1282, 3701–3711a; secs. 2–12 of the Fair Packaging and Labeling Act (15 U.S.C. 1451–1461); 21 U.S.C. 41–50, 61–63, 141–149, 467f, 679(b), 801–886, 1031–1309; secs. 201–903 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321–394); 35 U.S.C. 156; secs. 301, 302, 303, 307, 310, 311, 351, 352, 354, 361, 362, 1701–1706, 2101, 2125, 2127, 2128 of the Public Health Service Act (42 U.S.C. 241, 242, 242a, 242l, 242n, 243, 262, 263, 263b, 264, 265, 300u–300u–5, 300aa–1, 300aa–25, 300aa–27, 300aa–28); 42 U.S.C. 1395y, 3246b, 4332, 4831(a), 10007–10008; E.O. 11490, 11921, and 12591; secs. 312, 313, 314 of the National Childhood Vaccine Injury Act of 1986, Pub. L. 99–660 (42 U.S.C. 300aa–1 note).

2. New § 5.81 is added to read as follows:

§ 5.81 Responses to Drug Enforcement Administration temporary scheduling notices.

The Associate Commissioner for Health Affairs is authorized to provide responses to the Drug Enforcement Administration's temporary scheduling notices under the Controlled Substances Act, as amended (Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. 811(h)(4), as amended hereafter). The delegation excludes the authority to submit reports to Congress.

Dated: October 10, 1995.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 95–26356 Filed 10–23–95; 8:45 am]

BILLING CODE 4160–01–F

21 CFR Part 172

[Docket No. 94F–0223]

Food Additives Permitted for Direct Addition to Food for Human Consumption; Polydextrose

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 polydextrose produced by using phosphoric acid. This action is in response to a petition filed by A. E. Staley Manufacturing Co.

DATES: Effective October 24, 1995; written objections and requests for a hearing by November 24, 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: Rosalie M. Angeles, Center for Food Safety and Applied Nutrition (HFS–207), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3107.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of July 15, 1994 (59 FR 36204), FDA announced that a food additive petition (FAP 4A4422) had been filed by A. E. Staley Manufacturing Co., c/o P.O. Box 151, Decatur, IL 62525. The petition proposed to amend the food additive regulations in § 172.841 *Polydextrose* (21 CFR 172.841) to provide for the safe use of polydextrose produced using phosphoric acid in place of citric acid.

The petition provided data that demonstrated that polydextrose manufactured using phosphoric acid in place of citric acid is equivalent to polydextrose produced in accordance with § 172.841. FDA further determined that the very low levels of residual phosphate in polydextrose produced using phosphoric acid are both chemically and toxicologically insignificant (Ref. 1). Therefore, based on its evaluation of the data in the petition and other relevant material, FDA concludes that the proposed food additive use is safe, and that the regulation 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. 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 November 24, 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 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.

Reference

The following reference has been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Memorandum from M. J. DiNovi, Chemistry Review Branch, CFSAN, to R. M. Angeles, Novel Ingredients Branch, CFSAN, October 7, 1994.

List of Subjects in 21 CFR Part 172

Food additives, Reporting and recordkeeping requirements.

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 172 is amended as follows:

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

1. The authority citation for 21 CFR part 172 continues to read as follows:

Authority: Secs. 201, 401, 402, 409, 701, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 342, 348, 371, 379e).

2. Section 172.841 is amended by revising paragraph (a)(1) to read as follows:

§ 172.841 Polydextrose.

* * * * *

(a)(1) Polydextrose (CAS Reg. No. 68424–04–4) is a partially metabolizable water-soluble polymer prepared by the condensation of a melt which consists either of approximately 89 percent D-glucose, 10 percent sorbitol, and 1 percent citric acid or of approximately 90 percent D-glucose, 10 percent sorbitol, and 0.1 percent phosphoric acid, on a weight basis.

* * * * *

Dated: October 17, 1995.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 95–26358 Filed 10–23–95; 8:45 am]

BILLING CODE 4160–01–F

21 CFR Part 177

[Docket No. 91F–0371]

Indirect Food Additives: Polymers

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 ultra-filtration membranes that consist of a microporous poly(vinylidene fluoride) membrane with a hydrophilic surface modifier consisting of hydroxypropyl acrylate/tetraethylene glycol diacrylate copolymer for processing foods. This action is in response to a petition filed by Keller and Heckman.