Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Letter to the Commissioner, FDA, from National Cotton Council of America, with attached Sheet V, (3 pp.), January 25, 1960.

2. Letter to John Howard, National Cotton Council of America, from Paul Seydel, Seydel-Woolley & Co., with attached list, March 25, 1960.

3. Sayre, J. E. and C. J. Marsel, CW Report ''The $100 Million Market for Waxes,'' *Chemical Week*, p. 47, September 27, 1952.

4. Warth, A. H., ''Japan wax,'' *The Chemistry and Technology of Waxes*, 2d ed., Reinhold Publishing Corp., pp. 270–274, 1956.

5. ''Evaluation of the Health Aspects of Japan Wax as a Substance Migrating to Food From Cotton and Cotton Fabrics Used in Dry Food Packaging,'' Life Sciences Research Office, Federation of American Societies for Experimental Biology, 1975.

6. Litton Bionetics, Inc., LBI Project No. 2468, Mutagenic Evaluation of Compound, FDA 73–50, MX8001–39–6, Japan Wax, December 24, 1975.

7. Leberco Laboratories, Assay No. 22753, Unpublished Acute Oral Toxicity Test of Japan Wax in Charles River CF–1 Mice, March 8, 1982.

List of Subjects

21 CFR part 182

Food ingredients, Food packaging, Spices and flavorings.

21 CFR part 186

Food ingredients, 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and Applied Nutrition, the proposed rule that published in the **Federal Register** of July 9, 1982 (47 FR 29965) is withdrawn; and it is proposed that 21 CFR parts 182 and 186 be amended to read as follows:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

1. The authority citation for 21 CFR part 182 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).

§ 182.70 [Amended]

2. Section 182.70 *Substances migrating from cotton and cotton fabrics used in dry food packaging* is amended by removing the entry for ''Japan wax.''

PART 186—INDIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

3. The authority citation for 21 CFR part 186 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).

4. New § 186.1555 is added to subpart B to read as follows:

§ 186.1555 Japan wax.

(a) Japan wax (CAS Reg. No. 8001–39–6), also known as Japan tallow or sumac wax, is a pale yellow vegetable tallow, containing glycerides of the C_{19}–C_{23} dibasic acids and a high content of tripalmitin. It is prepared from the mesocarp by hot pressing of immature fruits of the oriental sumac, *Rhus succedanea* (Japan, Taiwan, and Indo-China), *R. vernicifera* (Japan), and *R. trichocarpa* (China, Indo-China, India, and Japan). Japan wax is soluble in hot alcohol, benzene, and naphtha, and insoluble in water and in cold alcohol.

(b) In accordance with paragraph (b)(1) of this section, the ingredient is used as an indirect human food ingredient with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as an indirect human food ingredient is based on the following current good manufacturing practice conditions of use:

(1) The ingredient is used as a constituent of cotton and cotton fabrics used for dry food packaging.

(2) The ingredient is used at levels not to exceed current good manufacturing practice.

(c) Prior sanctions for this ingredient different from the uses established in this section do not exist or have been waived.

Dated: May 16, 1995.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 95–13293 Filed 5–31–95; 8:45 am]

BILLING CODE 4160–01–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MN–28–1–6163; FRL–5213–7]

Approval and Promulgation of Implementation Plans; Minnesota Carbon Monoxide Contingency Measure

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: The USEPA is proposing to approve the carbon monoxide (CO) contingency measure as a revision to the Minnesota State Implementation Plan (SIP) in the Twin-Cities area. This area is designated moderate nonattainment for CO. It includes the Twin Cities of Minneapolis-Saint Paul and the following counties which comprise the CO control area: Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Washington, and Wright. The USEPA action is based upon a request that was submitted by the State to satisfy the requirement of section 172(c)(9) of the Clean Air Act as amended in 1990 (CAAA). This section of the CAAA requires States with areas designated moderate or above CO or ozone nonattainment to submit contingency measures by November 15, 1993. These measures must take effect, without further action by the State or the USEPA, if an area fails to make reasonable further progress or to attain by the attainment date. The State submittal meets this requirement, of no further action to implement, because the State legislation that authorizes this measure requires the use of oxygenated gasoline on a year-round basis beginning October 31, 1995, in areas classified as CO control areas. In the State's plan no trigger event is required. Ethanol is expected to be the primary oxygenate in this area and will in large part be used to meet the year-round oxygenate requirement. Thus, in addition to the benefits from the reduction of CO emissions through the use of oxygenated gasoline, the expected use of ethanol in implementing this contingency measure is consistent with the longstanding Federal policy of using renewable fuels for a positive energy impact and the reduction of emissions of greenhouse gases.

DATES: Comments on this SIP revision and on the proposed USEPA rulemaking action must be received by July 3, 1995, to be considered in the development of the USEPA's final rulemaking action.

ADDRESSES: Written comments should be addressed to: William L. MacDowell, Chief, Regulation Development Section, Air Enforcement Branch (AE–17J), United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the revision request and USEPA's analysis are available for public inspection during normal business hours at the following addresses: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard (AE–17J), Chicago, Illinois 60604; and Office of Air and Radiation (OAR), Docket and Information Center (Air Docket (6102) Room M1500, United States Environmental Protection

Agency, 401 M Street SW. Washington, D.C., 20460.

FOR FURTHER INFORMATION CONTACT: John Paskevicz, Air Enforcement Branch, Regulation Development Section (AE–17J), United States Environmental Protection, Region 5, Chicago, Illinois 60604, (312) 886–6084.

SUPPLEMENTARY INFORMATION:

I. Statutory Requirements and Guidance

For moderate CO nonattainment areas with design values of 12.7 parts per million (ppm) or less, section 172(c)(9) of the CAAA requires States to submit SIP revisions containing contingency measures, which are due by November 15, 1993, under section 172(b) of the CAAA. These provisions require contingency measures to take effect automatically, without further rulemaking action by the State or the Administrator, in the event the area fails to attain the national standard by the applicable attainment date. Certain actions, such as notification of the affected community, resource allocation, etc., would probably be needed before a measure could be implemented effectively. States must show that their contingency measures can be implemented with minimal further action on their part and with no additional rulemaking actions. The USEPA believes that, to be beneficial, contingency measures must be implemented within twelve months following a finding of failure to attain the CO national ambient air quality standard. States must show that their contingency measures can be implemented with minimal further action on their part and with no additional rulemaking actions.[1]

The Twin-Cities CO nonattainment area is a moderate area with a design value of 11.4 ppm for CO. Thus, under section 172(c)(9), Minnesota is required to submit a SIP revision containing contingency measures satisfying the above criteria. In this action, USEPA proposes to approve the State's submission as satisfying the CAAA requirements.

II. Summary of State Submittal and Analysis

Description of the Submittal

On November 12, 1993, the Commissioner of the Minnesota Pollution Control Agency submitted elements of a contingency measure SIP revision for the moderate CO nonattainment area in the Twin-Cities area of the State. This area includes the following counties which comprise the CO control area: Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Washington, and Wright.[2] The contingency measure expands the current four month wintertime oxygenated gasoline program to a year-round oxygenated gasoline program. On January 25, 1994, the USEPA issued a completeness letter noting the submittal was complete except for two items of information: the results of the public hearing process; and a report of the results of a study concerning the year-round use of ethanol as the oxygenate and its effect on summertime ozone concentrations. The USEPA received the results of the public hearing process in a letter from the Commissioner of the MPCA on January 26, 1994, which demonstrated that the State had carried out the public process. The State also submitted on that date a report prepared by an environmental contractor regarding the year-round use of ethanol in the State.

The USEPA believes the State's year-round oxygenated gasoline requirement complies with the criteria for contingency measures. The program will be implemented in the event the area fails to reach attainment by 1996 because the program will go into effect on October 31, 1995. Also, all provisions of the program were adopted and enforceable prior to submittal to the USEPA on November 15, 1993. This contingency measure will produce emissions reductions during the portion of the year that the current wintertime oxygenated fuels program does not address. While there has not been a violation of the CO air quality standard since 1991, a significant number of exceedances contributing to a violation of the health standard between 1987 and 1991 were registered outside of the current four month program period. The current oxygenated gasoline program appears to be effectively reducing emissions of CO during the period of the year it is in effect. Therefore, USEPA believes the CO emissions reductions achieved by the expansion of the program throughout the rest of the year would be an important contribution to attaining the standard, in the event that the area fails to attain by the deadline. Thus, USEPA believes that it is appropriate to approve the revision.

An issue has been raised whether section 110(l) of the CAAA would prevent USEPA from approving the revision because of the potential that the year round oxygenate requirement would adversely affect summertime ozone levels. Section 110(l) bars the Administrator from approving a plan revision if the revision would interfere with any applicable requirement concerning attainment of a standard and reasonable further progress, or any other applicable requirement of the CAAA. The concern arises here because it is expected that ethanol, the primary oxygenate used in the blending program, will increase the emission of volatile organic compounds, which are ozone precursors, from the gasoline-ethanol blend.

Ethanol comprises over 65 percent of the market share for oxygenates in the Twin-Cities area. Splash blending of ethanol in gasoline increases the evaporative emissions of hydrocarbons, and section 211(h)(4) of the CAAA allows a one pound per square inch (psi) waiver of the vapor pressure limit on gasoline for ethanol blends. Increased evaporative hydrocarbon emissions could produce higher summertime ambient ozone concentrations in the area, potentially exceeding the National Ambient Air Quality Standard for ozone.

The USEPA requested that the State submit the report on year-round use of the ethanol blended gasoline in order to evaluate this potential problem.

While the Twin-Cities area is in attainment for ozone, it is difficult to accurately predict the effect that an increase in RVP resulting from increased summertime ethanol use will have on ambient ozone concentrations. The lower exhaust VOC and CO emissions resulting from the use of ethanol are believed to have some effect moderating the impact of increases in evaporative emissions of ethanol blends. Also, an increase is limited to the effects of a one psi increase in the vapor pressure limit for gasoline. In this case it is believed the use of ethanol year-round will have a positive impact on summertime ambient concentrations of carbon monoxide.[3] The State does not believe the year-round program will adversely affect ambient ozone concentrations. The State has indicated it will continue to evaluate the material

[1] See Contingency measure guideline document ''Technical Support Document to Aid States With the Development of Carbon Monoxide SIPs, EPA–452/R–92–003, dated July 1992.

[2] St. Louis County (in the Duluth-Superior, Wisconsin MSA) was redesignated to attainment for carbon monoxide on April 14, 1994. The maintenance plan contains a 'park and ride' measure to reduce vehicle miles traveled in the event maintenance cannot be assured. If the first choice measure (park and ride) does not succeed in reducing the CO concentrations, the State will consider the implementation of an oxygenated gasoline program.

[3] Internal staff communication concerning past summertime exceedances of the carbon monoxide standard in Minnesota.

available on the issue, especially the comments made by the USEPA regarding the consultant's report.[4] While USEPA questions some of the conclusions in the report by the environmental consultant on this issue, it believes the potential for reduced carbon monoxide exceedances during the summer months and the positive energy benefits of the use of renewable fuels outweigh the uncertain potential for increased ozone concentrations. At this time, USEPA does not have enough information to indicate a likely increase in ozone sufficient to move the area into nonattainment for ozone, which would be a basis for disapproval.

The remainder of the State's submittal is similar in content to the original document submitted for the oxygenated gasoline program dated November 9, 1992, which USEPA approved on October 4, 1994 (59 FR 50493). The major difference is that this contingency measure is a year-round oxygenated gasoline program as opposed to the four month wintertime only program. The State's procedures document details the manner in which the program must be carried out. The USEPA is also concerned about the extent and vigor of the enforcement program to ensure oxygen content. The USEPA believes that if tax supports for the use of renewable fuels are reduced, resources for enforcement will become critical to the effectiveness of the program. Without tax credits or other forms of price support, the cost of using ethanol will increase and retailers and/or blenders will have an incentive to reduce their costs by not blending. The State and interested parties are requested to respond to this concern.

The wintertime oxygenated gasoline program submitted in November 1992, was made final on October 4, 1994, (59 FR 50493). The program requires that gasoline sold in the CO control area contain a minimum of 2.0 weight percent oxygen and must average 2.7 weight percent oxygen during the control period. The program does not include oxygen credit trading. Under the revised program, these provisions and all other aspects of the oxygenated gasoline program will apply year-round. Persons interested in more details on the year-round program are invited to review the State's wintertime oxygenated gasoline program and the USEPA analysis of it published on January 20, 1994, (59 FR 3047), or contact the Minnesota Pollution Control Agency, which is responsible for the SIP revision.

The oxygenated gasoline program requires reports to be submitted by registered blenders at the end of the control period. For the year-round program the end of the control period for reporting purposes has not been defined in the State's legislation. The USEPA believes this minor deficiency can be overcome through an administrative order.

III. Summary

The USEPA believes the State's contingency measure CO SIP meets the requirements of section 172(c)(9) of the Act, was submitted promptly, and contains all of the required elements to reduce the emissions of CO. Because State legislation requires a year-round oxygenated gasoline program to be in operation beginning in October 1995, it does not require a triggering event for startup, and the USEPA believes there are no other regulatory provisions needed to fully implement the program. The State already has a seasonal oxygenated gasoline program in place. This will simply be expanded to a year-round program, which has been developed and will be implemented and enforced by the same State administrative agencies.

The USEPA believes this plan meets the requirements for approval as a contingency measure for the control of CO emissions and proposes to approve the State plan. However, as noted above, there are a number of items the USEPA believes should be addressed. Interested parties are invited to comment on the following issues: potential for increases in ozone concentrations during the summertime resulting from the use of renewable oxygenates, the impact on the potential for cheating in the event tax supports for the use of ethanol are no longer available, and the need to define an end point for reporting purposes in the annual program.

IV. Rulemaking Action

The USEPA is proposing to approve the State of Minnesota contingency plan to control the emissions of carbon monoxide in the nonattainment area of the Twin Cities area. The USEPA will take final action on this notice following analysis of public comments on this proposal.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. USEPA shall consider each request for revision to the SIP in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Executive Order 12866

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225), as revised by an October 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The Office of Management and Budget exempted this regulatory action from Executive Order 12866 review.

Regulatory Flexibility

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, USEPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities (5 U.S.C. 603 and 604). Alternatively, USEPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, Part D of the CAAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAAA forbids USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *USEPA*, 427 US 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

Under sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, USEPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of the state implementation plan or plan revisions approved in this action, the State has elected to adopt the program provided for under section 110 of the Clean Air Act. The rules and commitments being approved in this action may bind State, local and tribal governments to perform

[4] Note dated July 20, 1994, from Paul Machiele, USEPA, Ann Arbor commenting on the report entitled ''Ozone Impact of Year-Round Oxy-Fuel Program in Minnesota'', G. Whitten, B. Austin, K. O'Conner, Systems Application International, sysapp94–93/246rl, January 10, 1994.

certain actions and also may ultimately lead to the private sector being required to perform certain duties. To the extent that the rules and commitments being approved by this action will impose or lead to the imposition of any mandate upon the State, local or tribal governments either as the owner or operator of a source or as a regulator, or would impose or lead to the imposition of any mandate upon the private sector, EPA's action will impose no new requirements; such sources are already subject to these requirements under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. The USEPA has also determined that this action does not include a mandate that may result in estimated costs or $100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

Under Section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 31, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See Section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401–7671(q).

Dated: May 17, 1995.

Michelle Jordan,

Acting Regional Administrator.

[FR Doc. 95–13430 Filed 5–31–95; 8:45 am]

BILLING CODE: 6560–50–P

GENERAL SERVICES ADMINISTRATION

41 CFR Part 201–9

RIN 3090–AF72

Amendment To Revise FIRMR Provisions Regarding the Standard and Optional Forms Management Program

AGENCY: Information Technology Service, GSA.

ACTION: Notice of proposed rulemaking.

SUMMARY: GSA proposes to amend the Federal Information Resources Management Regulation (FIRMR) to simplify and clarify procedures related to the Standard and Optional Forms Management Program. Current procedures for this Program result in delays in the processing of forms requests, especially requests for exceptions to the use of Standard forms. This rule will streamline these processes and allow agencies to deal directly with the responsible parties regarding the issuance and printing of these forms. The specific changes in this rule include allowing agencies to obtain approval for an exception to the use of Standard forms directly from the promulgating agencies; and giving the promulgating agencies full responsibility for: certifying their proposed forms comply with applicable laws and regulations, announcing the availability of new or revised Standard forms and providing GSA with an accurate camera ready copy of the forms.

DATES: Comments must be received by July 31, 1995.

ADDRESSES: Comments may be mailed to GSA/KAR, 18th and F Streets, NW., Room 3224, Washington, DC 20405, Attn: R. Stewart Randall, or delivered to that address between 8:00 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: R. Stewart Randall, Jr., GSA, Office of Information Resources Management Policy, Regulations Analysis Division (KAR), 18th and F Streets, NW., Room 3224, Washington, DC 20405, telephone FTS/Commercial (202) 501–4469 (v) or (202) 501–4469 (tdd).

SUPPLEMENTARY INFORMATION: (1) Part 201–9.202 is being amended to delegated additional authority and responsibility to agencies regarding the granting of exceptions to Standard Forms. Currently, the FIRMR requires Federal agencies to submit a request for an exception to a Standard Form directly to GSA. GSA then reviews the exception request for conformance to good forms management practices. However, GSA also forwards the exception request directly to the promulgating agency for the agency's recommendation for approval or disapproval of the exception request. Since GSA and the promulgating agency typically agree on the disposition of an exception request, GSA believes it would be more efficient to give promulgating agencies full authority for the exception request process. Accordingly, the requirement in section 201–9.202–1 paragraph (b)(2) for Federal agencies to obtain approval from GSA for exceptions to Standard forms will be removed from the FIRMR. Instead, agencies will send their exception requests directly to the agency promulgating the Standard Form.

(2) Agencies typically request to establish standard forms because of a statutory or programmatic requirement. In the past, GSA conducted research to verify a requested form was consistent with the agency's authority and would meet the agency's requirements. GSA now plans to accept agencies' certification that their new or revised forms requirements are legally required and technically adequate. This change will eliminate GSA duplicating work already performed by the agency. Agencies will also be required to announce the availability of their new revised forms in the **Federal Register** and provide GSA an accurate camera ready copy of the new revised form. GSA will no longer verify the accuracy of the camera ready copy. Agencies are being given full authority and responsibility to ensure the accuracy of their copies; just as they are with other aspects of establishing new or revised forms. These changes will be reflected in § 201–9.202–1 paragraphs (b)(4) and (b)(6). GSA will continue to publish a list of all Standard and Optional forms in its Inventory of Standard and Optional Forms and facsimiles of all forms in its Standard and Optional Forms Facsimile Handbook.

(3) Several format and editorial changes are also being made to § 201–9.202–1 to reflect the new operating environment of the forms program. FIRMR Bulletin B–3 is being revised to reflect the above changes.

(4) GSA has determined that this rule is not a significant rule for the purposes of Executive Order 12866 of September 30, 1993, because it is not likely to result in any of the impacts noted in Executive Order 12866, affect the rights of specified individuals, or raise issues arising from the policies of the Administration. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for and consequences of this rule; has determined that the potential benefits to society from this rule outweight the potential costs; has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 201–9

Archives and records, Computer technology, Telecommunications,