

of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 177 is amended as follows:

**PART 177—INDIRECT FOOD
ADDITIVES: POLYMERS**

1. The authority citation for 21 CFR part 177 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 177.1520 is amended in the table in paragraph (b) by alphabetically adding a new entry under the headings "Substance" and "Limitations" to read as follow:

§ 177.1520 Olefin polymers.

* * * *

(b) * * *

Substance	Limitations
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Methyl methacrylate/butyl acrylate-grafted polypropylene copolymer containing methyl methacrylate/butyl acrylate-grafted polypropylene (CAS Reg. No. 121510-09-6), methyl methacrylate/butyl acrylate copolymer (CAS Reg. No. 25852-37-3), methyl methacrylate homopolymer (CAS Reg. No. 9011-14-7), and polypropylene (CAS Reg. No. 9003-07-0), resulting from the reaction of a mixture of methyl methacrylate and butyl acrylate with polypropylene. The finished product contains no more than 55 percent by weight of polymer units derived from methyl methacrylate and butyl acrylate as determined by a method entitled, "Determination of the Total Acrylic in PP-MMA/BA Polymers," which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available from the Office of Premarket Approval, Center for Food Safety and Applied Nutrition (HFS-200), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or may be examined at the Center for Food Safety and Applied Nutrition's Library, 200 C. St. SW., rm. 3321, Washington, DC, or at the Office of the Federal Register, 800 North Capitol St. NW., suite 700, Washington, DC.	For use only at levels not to exceed 6 percent by weight of olefin polymers complying with paragraph (c) of this section, items 1.1, 3.1a, 3.2a, and 3.2b, where the copolymers complying with items 3.1a, 3.2a, and 3.2b contain not less than 85 weight-percent of polymer units derived from propylene.
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Dated: September 23, 1996.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 96-25122 Filed 10-1-96; 8:45 am]

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**ENVIRONMENTAL PROTECTION
AGENCY**

40 CFR Parts 9 and 86

[FRL-5618-2]

Control of Air Pollution From New and In-Use Motor Vehicles and New and In-Use Motor Vehicle Engines: Certification and Test Procedures

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical amendments.

SUMMARY: This document contains technical amendments to regulations controlling air pollution from new and in-use motor vehicles and motor vehicle engines. This final rule removes regulations that are obsolete.

EFFECTIVE DATE: October 2, 1996.

FOR FURTHER INFORMATION CONTACT: Dick Nash, Office of Mobile Sources, Vehicle Programs and Compliance Division, 2565 Plymouth Road, Ann Arbor, MI 48105, 313-668-4412.

SUPPLEMENTARY INFORMATION:

Background

The Agency has reviewed the regulations currently contained in Title 40, Part 86 of the Code of Federal Regulations (CFR) and has determined that a number of sections have become obsolete or redundant. By this action the agency is removing them from the CFR.

By issuing these technical amendments directly as a final rule, EPA is foregoing the issuance of a Notice of Proposed Rulemaking (NPRM) and the opportunity for public comment. Such a curtailed procedure is permitted by 5 U.S.C. 553(b) and § 307(d) of the Clean Air Act when issuance of a proposal and public comments would be impracticable, unnecessary, or contrary to the public interest. The Agency is publishing this action without prior proposal because these are non-controversial changes that delete sections of the regulations that are obsolete because they do not regulate future conduct concerning

existing motor vehicles or any motor vehicles which may be certified in the future. The Agency finds that this constitutes good cause under 5 U.S.C. 553(b) for a determination that the issuance of an NPRM is unnecessary.

Today's action does not create any new regulatory requirements. For this reason, EPA finds that good cause exists to provide for an immediate effective date.

The Agency has determined that this action does not meet any of the criteria for classification as a significant rule under Executive Order 12866. Therefore, no Regulatory Impact Analysis is required.

This action does not include any new information collection requirements. The Paperwork Reduction Act is not applicable to this action as these changes to the regulations at 40 part CFR part 86 will not impose any information collection requirements on affected parties.

The Environmental Protection Agency has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this final rule. The Agency has determined that the action adopted today will not have a significant impact on small entities;

this action is limited to deleting obsolete regulatory provisions.

Description of Changes

The following paragraphs describe the individual revisions that are being adopted in this rule.

1. Part 9 is amended by removing references to any sections which are being removed from part 86.

2. Part 86 is being amended by removing certain sections which are obsolete because they do not regulate future conduct but only apply to prior conduct, affecting prior model year motor vehicles and engines. However, any conduct or actions involving such vehicles or engines occurring prior to the deletion of these provisions will be controlled by the provisions in effect when the action or conduct occurred.

3. Section 86.113 is being amended by deleting paragraphs (g)(1)(iii), (g)(1)(iv), and (g)(1)(v). This action eliminates the calculation that adjusts the payment of a nonconformance penalty to the federal government based on payment of a nonconformance penalty to the state of California. California does not collect nonconformance penalties. This action makes clear that the penalty will be paid in full to the Federal Government. Additionally, paragraph (g)(1)(ii) is being amended to eliminate references to the subparagraphs deleted.

Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects

40 CFR Part 9

Reporting and recordkeeping requirements.

40 CFR Part 86

Environmental protection, Administrative practice and procedure, Motor vehicle pollution.

Dated: September 23, 1996.

Mary Nichols,

Assistant Administrator for Air and Radiation.

For the reasons set forth in the preamble, title 40, chapter I, parts 9 and 86 of the Code of Federal Regulations are amended as set forth below:

PART 9—[AMENDED]

1. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135 et seq., 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 et seq., 1311, 1313d, 1314, 1321, 1326, 1330, 1344, 1345(d) and (e), 1361; E.O. 11735 38 FR 21243, 3 CFR 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 et seq., 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

§ 9.1 [Amended]

2. Section 9.1 is amended by removing from the table entries for 86.1003–88, 86.1005–88, 86.1008–88.

PART 86—[AMENDED]

3. The authority citation for part 86 continues to read as follows:

Authority: Secs. 202, 203, 204, 205, 206, 207, 208, 209, 213, 215, 216, and 301(a) of the Clean Air Act as amended (42 U.S.C. 7521, 7522, 7523, 7524, 7525, 7541, 7542, 7543, 7547, 7549, 7550, and 7601(a)).

§§ 86.610–84, 86.1003–88, 86.1005–88, 86.1008–88, 86.1010–84 [Removed]

4. Part 86 is amended by removing §§ 86.610–84, 86.1003–88, 86.1005–88, 86.1008–88, 86.1010–84.

5. Section 86.1113–87 is amended by revising paragraph (g)(1)(ii) and by removing paragraphs (g)(1)(iii), (g)(1)(iv) and (g)(1)(v) to read as follows:

§ 86.1113–87 Calculation and payment of penalty.

* * * * *

(g) * * *

(1) * * *

(ii) The penalty shall be payable to U.S. Environmental Protection Agency, NCP Fund, P.O. Box 360277M, Pittsburgh, PA 15251.

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[FR Doc. 96–25232 Filed 10–1–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[KS 008–1008(a); FRL–5556–8]

Approval and Promulgation of Implementation Plans; State of Kansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: By this action the EPA gives full approval to the State Implementation Plan (SIP) submitted by the state of Kansas for the purpose of fulfilling the requirements set forth in the EPA's General Conformity rule. The

SIP was submitted by the state to satisfy the Federal requirements in 40 CFR 51.852 and 93.151. Additionally, the EPA is approving in the SIP revisions to the state's open burning rules. SIP approval of revised state rules ensures that the SIP is current and permits Federal enforceability of the state rules.

DATES: This action is effective December 2, 1996 unless by November 1, 1996 adverse or critical comments are received.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the: Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101; and the EPA Air & Radiation Docket and Information Center, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Wayne Kaiser at (913) 551–7603.

SUPPLEMENTARY INFORMATION:

General Conformity

Section 176(c) of the Clean Air Act (CAA), as amended (the Act), requires the EPA to promulgate criteria and procedures for demonstrating and ensuring conformity of Federal actions to an applicable implementation plan developed pursuant to section 110 and Part D of the Act. Conformity to a SIP is defined in the Act as meaning conformity to an SIP's purpose of eliminating or reducing the severity and number of violations of the National Ambient Air Quality Standards, and achieving expeditious attainment of such standards. The Federal agency responsible for the action is required to determine if its actions conform to the applicable SIP. On November 30, 1993, the EPA promulgated the final rule (hereafter referred to as the General Conformity rule), which establishes the criteria and procedures governing the determination of conformity for all Federal actions, except Federal highway and transit actions.

The General Conformity rule also establishes the criteria for the EPA approval of SIPs. See 40 CFR 51.851 and 93.151. These criteria provide that the state provisions must be at least as stringent as the requirements specified in the EPA's General Conformity rule, and that they can be more stringent only if they apply equally to Federal and nonfederal entities (section 51.851(b)).

On June 23, 1992, the EPA promulgated the Kansas City ozone redesignation and maintenance plan for Wyandotte and Johnson counties in Kansas, and three adjoining counties in Missouri. Section 51.851 and section