3. Review of a Department of Energy denial of adjustment:

Amount in Controversy	
$0–9,999. [18 CFR 381.304(b)]	100
$10,000–29,999. [18 CFR 381.304(b)]	600
$30,000 or more. [18 CFR 381.304(a)]	10,640
4. Written legal interpretations by the Office of General Counsel. [18 CFR 381.305(a)]	3,990
Fees Applicable to National Gas Pipelines	
1. Pipeline certificate applications pursuant to 18 CFR 284.224. [18 CFR 381.207(b)]	1,000
Fees Applicable to Cogenerators and Small Power Producers	
1. Certification of qualifying status as a small power production facility. [18 CFR 381.505(a)]	11,960
2. Certification of qualifying status as a cogeneration facility. [18 CFR 381.505(a)	13,540
3. Applications for exempt wholesale generator status. [18 CFR 381.801]	1,560

List of Subjects in 18 CFR Part 381

Electric power plants, Electric utilities, Natural gas, Reporting and recordkeeping requirements.

James J. Hoecker,

Chairman.

In consideration of the foregoing, the Commission amends Part 381, Chapter I, Title 18, *Code of Federal Regulations*, as set forth below.

PART 381—FEES

1. The authority citation for Part 381 continues to read as follows:

Authority: 15 U.S.C. 717–717w; 16 U.S.C. 791–828c, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352; 49 U.S.C. 60502; 49 App. U.S.C. 1–85.

§ 381.302 [Amended]

2. In § 381.302, paragraph (a) is amended by removing ''$12,790'' and inserting ''$13,910'' in its place.

§ 381.303 [Amended]

3. In § 381.303, paragraph (a) is amended by removing ''$18,680'' and inserting ''$20,300'' in its place.

§ 381.304 [Amended]

4. In § 381.304, paragraph (a) is amended by removing ''$9,790'' and inserting ''$10,640'' in its place.

§ 381.305 [Amended]

5. In § 381.305, paragraph (a) is amended by removing ''$3,670'' and inserting ''$3,990'' in its place.

§ 381.402 [Removed]

6. Section 381.402 is removed.

§ 381.403 [Amended]

7. Section 381.403 is amended by removing ''$6,370'' and inserting ''$6,920'' in its place.

§ 381.505 [Amended]

8. In § 381.505, paragraph (a) is amended by removing ''$11,000'' and inserting ''$11,960'' in its place and by removing ''$12,450'' and inserting ''$13,540'' in its place.

§ 381.801 [Amended]

9. Section 381.801 is amended by removing ''$1,670'' and inserting ''$1,560'' in its place.

[FR Doc. 97–18096 Filed 7–9–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 178

[Docket No. 91F–0324]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

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 an alkylthiophenolic mixture formed by the acid-catalyzed condensation reaction of 4-nonylphenol, formaldehyde, and 1-dodecanethiol as an antioxidant for adhesives, pressure-sensitive adhesives, and rubber articles intended for repeated use in contact with food. This action is in response to a petition filed by Goodyear Tire & Rubber Co.

DATES: The regulation is effective July 10, 1997. Submit written objections and requests for a hearing by August 11, 1997.

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

FOR FURTHER INFORMATION CONTACT: Andrew J. Zajac, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3095.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of September 12, 1991 (56 FR 46439), FDA announced that a food additive petition (FAP 1B4259) had been filed by the Goodyear Tire & Rubber Co. (currently c/o Keller and Heckman, 1001 G St. NW., suite 500 West, Washington, DC 20001). The petition proposed to amend the food additives regulations in § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) to provide for the safe use of the acid-catalyzed condensation reaction product of *p*-nonylphenol, formalin, and 1-dodecanethiol as an antioxidant for adhesives, listed under 21 CFR 175.105, and repeat-use rubber articles, listed under 21 CFR 177.2600. In a notice published in the **Federal Register** of January 26, 1995 (60 FR 5184), corrected on February 9, 1995 (60 FR 7774), FDA amended the September 12, 1991, notice to state that upon further review of the petition, the agency noted that the petitioner intended to use the additive in pressure-sensitive adhesives rather than adhesives generally; however, the agency also stated the petitioner had subsequently amended the petition also to include the use of the additive in adhesives. Additionally, for clarification purposes, the nomenclature for the additive was being modified to ''alkylthiophenolics formed by the acid-catalyzed condensation reaction of *p*-nonylphenol, formaldehyde, and 1-dodecanethiol''. Upon further review, the agency has decided that the additive is more accurately described as alkylthiophenolics formed by the acid-catalyzed condensation reaction of 4-nonylphenol, formaldehyde, and 1-dodecanethiol.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed use of the additive in adhesives, pressure-sensitive adhesives, and rubber articles intended for repeated use in contact with food is safe, that the food additive will achieve its intended technical effect, and that § 178.2010 should be amended as set forth below.

FDA's review of the subject petition indicates that the additive may contain

trace amounts of formaldehyde as an impurity. The potential carcinogenicity of formaldehyde was reviewed by the Cancer Assessment Committee (the Committee) of FDA's Center for Food Safety and Applied Nutrition. The Committee noted that for many years formaldehyde has been known to be a carcinogen by the inhalation route, but it concluded that these inhalation studies are not appropriate for assessing the potential carcinogenicity of formaldehyde in food. The Committee's conclusion was based on the fact that the route of administration (inhalation) is not relevant to the safety of formaldehyde residues in food and the fact that tumors were observed only locally at the portal of entry (nasal turbinates). In addition, the agency has received literature reports of two drinking water studies on formaldehyde: (1) A preliminary report of a carcinogenicity study purported to be positive by Soffritti et al. (1989), conducted in Bologna, Italy (Ref. 1); and (2) a negative study by Til et al. (1989), conducted in The Netherlands (Ref. 2). The Committee reviewed both studies and concluded, concerning the Soffritti study, that ''the data reported were unreliable and could not be used in the assessment of the oral carcinogenicity of formaldehyde'' (Ref. 3). This conclusion is based on a lack of critical detail in the study, questionable histopathologic conclusions, and the use of unusual nomenclature to describe the tumors. Based on the Committee's evaluation, the agency has determined that there is no basis to conclude that formaldehyde is a carcinogen when ingested.

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 by appointment with the information contact person listed above. As provided in § 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.

No comments were received during the 30-day comment period specified in the filing notice for comments on the environmental assessment submitted with the petition.

Any person who will be adversely affected by this regulation may at any time on or before August 11, 1997 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.

References

The following references have 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. Soffritti, M., C. Maltoni, F. Maffei, and R. Biagi, ''Formaldehyde: An Experimental Multipotential Carcinogen,'' *Toxicology and Industrial Health*, vol. 5, No. 5:699–730, 1989.

2. Til, H. P., R. A. Woutersen, V. J. Feron, V. H. M. Hollanders, H. E. Falke, and J. J. Clary, ''Two-Year Drinking Water Study of Formaldehyde in Rats,'' *Food Chemical Toxicology*, vol. 27, No. 2, pp. 77–87, 1989.

3. Memorandum of conference concerning ''Formaldehyde,'' meeting of the Cancer Assessment Committee, FDA, April 24, 1991, and March 4, 1993.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 178 is amended as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for 21 CFR part 178 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 178.2010 is amended in the table in paragraph (b) by alphabetically adding a new entry under the headings ''Substances'' and ''Limitations'' to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitations
* * * * * * *	
Alkylthiophenolics: acid-catalyzed condensation reaction products of 4-nonylphenol, formaldehyde, and 1-dodecanethiol (CAS Reg. No. 164907–73–7).	For use only at levels not to exceed 2 percent by weight of adhesives complying with § 175.105 of this chapter, of pressure-sensitive adhesives complying with § 175.125 of this chapter, and of rubber articles complying with § 177.2600 of this chapter.
* * * * * * *	

Dated: June 20, 1997.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 97–17976 Filed 7–9–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF JUSTICE

28 CFR Part 17

[A.G. Order No. 2091–97]

Classified National Security Information and Access to Classified Information

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This rule implements Executive Order No. 12958, entitled ''Classified National Security Information,'' and Executive Order No. 12968, entitled ''Access to Classified Information,'' by completely revising and updating the Department of Justice's classified national security information and access regulations.

DATE: This rule will become effective August 11, 1997.

FOR FURTHER INFORMATION CONTACT: D. Jerry Rubino, Director, Security and Emergency Planning Staff, Justice Management Division, Department of Justice, Washington, DC 20530. Telephone: 202–514–2094 (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The President issued Executive Orders. No. 12958 and 12968 to update and revise the standards and process for classification and declassification of, and access to, national security information. This rule implements these Presidential directives and completely revises part 17 in accordance with the Administration's priorities for regulatory reform and reinvention of government. The revised rule substantially shortens and simplifies the material contained in part 17, focusing on those matters that affect the general public and that should be published as a formal rule. The revised rule delegates to the Assistant Attorney General for Administration responsibility for developing the vast majority of information and internal operating instructions on classified information and access. This rule has been reviewed by the Information Security Oversight Office of the National Archives and Records Administration, pursuant to Executive Order No. 12958, and the rule was published as a proposed rule on July 12, 1996 at 61 FR 36678. One comment was received during the comment period, which ended September 10, 1996.

The one comment received on the proposed rule came from the Secretary of the Judicial Conference of the United States regarding § 17.46(c). Section 17.46(c) stated in part, Magistrate Judges' eligibility for access to classified information will be based on procedures approved by the Assistant Attorney General for Administration. The Secretary expressed concern that such procedures might delay litigation and impair the ability of Magistrate Judges to perform their statutory responsibilities.

In response to this concern, § 17.46(c) was modified so that Magistrate Judges' eligibility for access to classified information will be based on procedures approved by the Assistant Attorney General for Administration, in consultation with the Juridical Conference of the United States.

Executive Order 12866

This regulation has been drafted and reviewed in accordance with Executive Order No. 12866, 1(b), Principles of Regulation. The Department of Justice has determined that this rule is not a ''significant regulatory action'' under Executive Order No. 12866 § 3(f), Regulatory Planning and Review. Accordingly, this rule has not been reviewed by the Office of Management and Budget pursuant to Executive Order No. 12866.

Regulatory Flexibility Act

The attorney General, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact on a substantial number of small entities.

This rule has no federalism implications warranting the preparation of a Federalism Assessment in accordance with Executive Order No. 12612.

List of Subjects in 28 CFR Part 17

Classified information, Foreign relations.

For the reasons set forth in the preamble, part 17 of title 28 of the Code of Federal Regulations is revised to read as follows:

PART 17—CLASSIFIED NATIONAL SECURITY INFORMATION AND ACCESS TO CLASSIFIED INFORMATION

Sec.

Authority: 28 U.S.C. 501, 509, 510, 515–519; 5 U.S.C. 301; E.O. 12958, 60 FR 7977; 3 CFR, 1995 Comp., p. 333 19825; E.O. 12968, 60 FR 40245, 3 CFR, 1995 Comp., p. 391; 32 CFR part 2001.

§ 17.1 Purpose.

The purpose of this part is to ensure that information within the Department of Justice (the ''Department'') relating to the national security is classified, protected, and declassified pursuant to the provisions of Executive Orders 12958 (3 CFR, 1995 Comp., p. 333) and 12968 (3 CFR, 1995 Comp., p. 391) and implementing directives from the Information Security Oversight Office of the National Archives and Records Administration (''ISOO''). Executive Orders 12958 and 12968 made numerous substantive changes in the system of classification, declassification, and downgrading of classified National Security Information and the criteria for access to this information. Accordingly, this part is a revision of the Department's classified information security rules.

(a) Subpart A of this part prescribes the implementation of Executive Orders