DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 381

[Docket No. RM99–11–000]

Annual Updates of Filing Fees

August 24, 1999.

AGENCY: Federal Energy Regulatory Commission DOE.

ACTION: Final rule; correction.

SUMMARY: The Federal Energy Regulatory Commission published in the **Federal Register** of August 17, 1999, a document updating the Commission's filing fees. The filing fee for applications for exempt wholesale generator status in § 381.801 of the Commission's regulations was incorrectly listed. This document corrects the filing fee.

EFFECTIVE DATE: Effective on August 30, 1999.

FOR FURTHER INFORMATION CONTACT: Troy Cole, Office of Finance, Accounting and Operations, Federal Energy Regulatory Commission, 888 First Street, NE., Room 42–80, Washington, DC 20426, 202–219–2970.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in the Public Reference Room at 888 First Street, NE, Room 2A, Washington, DC 20426.

The Commission Issuance Posting System (CIPS) provides access to the texts of formal documents issued by the Commission. CIPS can be accessed via Internet through FERC's Home Page (http://www.ferc.fed.us) using the CIPS link or the Energy Information Online icon. The full text of this document will be available on CIPS in ASCII, WordPerfect 8.0 format. User assistance is available at 202–208–2222 or by E-mail to CipsMaster@ferc.fed.us.

This document is also available through the Commission's Records and information Management System (RIMS), an electronic storage and retrieval system of documents submitted to and issued by the Commission after November 16, 1981. Documents from November 1995 to the present can be viewed and printed, RIMS is available in the public Reference Room or remotely via Internet through FERC's Homepage using the RIMS link or the Energy Information Online icon. User assistance is available at 202–208–2222, or by E-mail to RimsMaster@ferc.fed.us.

Finally, the complete text on diskette in WordPerfect format may be purchased from the Commission's copy contractor, RVJ International, Inc. RVJ International, Inc., is located in the Public Reference Room at 888 First Street, NE, Washington, DC 20426.

Correction

The filing fee for applications for exempt wholesale generator status in § 381.801 of the Commission's regulations was incorrectly listed in the final rule updating filing fees issued on August 11, 1999. (64 FR 44,652 (Aug. 17, 1999)). The correct filing fee is $1,530.

§ 381.801 [Corrected]

On page 44,653, in the third column, correct amendment 8 to § 381.801 by correcting ''$ 1,460'' to read ''$ 1,530.''

Thomas R. Herlihy,

Executive Director and Chief Financial Officer.

[FR Doc. 99–22377 Filed 8–27–99; 8:45 am]

BILLING CODE 4910–60–P §

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 177

[Docket No. 89F–0338]

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 fumaric acid grafted onto certain olefin polymers, and maleic anhydride grafted onto ethylene-vinyl acetate copolymers for use in contact with food. This action is in response to a petition filed by E. I du Pont de Nemours and Co.

DATES: This regulation is effective August 30, 1999; submit written objections and requests for a hearing September 29, 1999. The Director of the Office of the **Federal Register** approves the incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 of certain publications in § 177.1350 (b)(2), effective August 30, 1999.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3081.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of August 31, 1989 (54 FR 36053), FDA announced that a food additive petition (FAP 9B4163) had been filed by E. I. du Pont de Nemours and Co., 1007 Market St., Wilmington, DE 19898 (presently, c/o Keller and Heckman, 1001 G St. NW., suite 500 West, Washington, DC 20001). The petition proposed to amend the food additive regulations in § 177.1350 *Ethylene-vinyl acetate copolymers* (21 CFR 177.1350) and § 177.1520 *Olefin polymers* (21 CFR 177.1520) to provide for the safe use of fumaric acid and maleic anhydride grafted onto certain olefin polymers and maleic anhydride grafted onto ethylene-vinyl acetate copolymers for use in contact with food. In a subsequent submission, the petitioner withdrew its request for the proposed use of maleic anhydride grafted onto olefin polymers. In this final rule the agency is, therefore, providing for the use of only fumaric acid grafted onto olefin polymers.

FDA has evaluated data in the petition and other relevant material. Based on this information, the agency concludes that the proposed use of the additives is safe, that the additives will achieve their intended technical effects, and therefore, that the regulations in §§ 177.1350 and 177.1520 should be amended as set forth in this document.

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 previously. 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 determined under 21 CFR 25.31(i) 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.

Any person who will be adversely affected by this regulation may at any time on or before September 29, 1999 file with the Dockets Management Branch (address above) written objection 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 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 objection 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.

List of Subjects in 21 CFR Part 177

Food additives, Food packaging, 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, 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: 21 U.S.C. 321, 342, 348, 379e.

2. Section 177.1350 is amended by redesignating paragraph (a) introductory text and paragraphs (a)(1) through (a)(6) as paragraphs (a)(1) introductory text and (a)(1)(i) through (a)(1)(vi), respectively, and by redesignating paragraph (b) as paragraph (b)(1), and by adding paragraphs (a)(2) and (b)(2) to read as follows:

§ 177.1350 Ethylene-vinyl acetate copolymers.

* * * * *

(a)(1) * * *

(2) Maleic anhydride-grafted ethylene-vinyl acetate copolymers (CAS Reg. No. 28064–24–6) consist of basic resins produced by the catalytic copolymerization of ethylene and vinyl acetate, followed by reaction with maleic anhydride. Such polymers shall contain not more than 11 percent of polymer units derived from vinyl acetate by weight of total polymer prior to reaction with maleic anhydride, and not more than 2 percent of grafted maleic anhydride by weight of the finished polymer. Optional adjuvant substances that may be added to the copolymers include substances generally recognized as safe in food and food packaging, substances the use of which is permitted under applicable regulations in parts 170 through 189 of this chapter, and substances identified in § 175.300(b)(3)(xxv), (xxvii), (xxxiii), and (xxx) of this chapter and colorants for polymers used in accordance with the provisions of § 178.3297 of this chapter.

(b)(1) * * *

(2) Maleic anhydride grafted ethylene-vinyl acetate copolymers shall have a melt flow index not to exceed 2.1 grams per 10 minutes as determined by ASTM method D 1238–82, ''Standard Test Method for Flow Rates of Thermoplastics by Extrusion Plastometer,'' which is incorporated by reference in accordance with 5 U.S.C. 552(a). Copies may be obtained from the American Society for Testing Materials, 1916 Race St., Philadelphia, PA 19103, or at the Division of Petition Control (HFS–215), Center for Food Safety and Applied Nutrition, 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. Compliance of the melt flow index specification shall be determined using conditions and procedures corresponding to those described in the method as Condition E, Procedure A). The copolymers shall be used in blends with other polymers at levels not to exceed 17 percent by weight of total polymer, subject to the limitation that when contacting food of types III, IV–A, V, VI–C, VII–A, and IX, identified in § 176.170(c) of this chapter, Table 1, the polymers shall be used only under conditions of use C, D, E, F, and G, described in § 176.170(c) of this chapter, Table 2.

* * * * *

3. Section 177.1520 is amended by redesignating paragraph (a)(2) as paragraph (a)(2)(i), by adding paragraphs (a)(2)(ii) and (a)(3)(vi), by amending paragraph (c) in the table by adding items 2.4 and 3.8 in numerical order, and by amending paragraph (d)(7) in the table by alphabetically adding two entries to read as follows:

§ 177.1520 Olefin polymers.

* * * * *

(a) * * *

(2)(i) * * *

(ii) Fumaric acid-grafted polyethylene (CAS Reg. No. 26877–81–6) consists of basic polymers manufactured by the catalytic polymerization of ethylene followed by reaction with fumaric acid in the absence of free radical initiators. Such polymers shall contain grafted fumaric acid at levels not to exceed 2 percent by weight of the finished polymer.

(3) * * *

(vi) Olefin basic copolymers (CAS Reg. No. 61615–63–2) manufactured by the catalytic copolymerization of ethylene and propylene with 1,4-hexadiene, followed by reaction with fumaric acid in the absence of free radical initiators. Such polymers shall contain not more than 4.5 percent of polymer units deriving from 1,4-hexadiene by weight of total polymer prior to reaction with fumaric acid and not more than 2.2 percent of grafted fumaric acid by weight of the finished polymer.

* * * * *

(c) * * *

Olefin polymers	Density	Melting point (MP) or softening point (SP) (*Degrees Centigrade*)	Maximum extractable fraction (expressed as percent by weight of the polymer) in *N*-hexane at specified temperatures	Maximum soluble fraction (expressed as percent by weight of polymer) in xylene at specified temperatures
* * *	*	*	*	*
2.4 Olefin polymers described in paragraph (a)(2)(ii) of this section, having a melt flow index not to exceed 17 grams/per 10 minutes as determined by the method described in paragraph (d)(7) of this section, for use in blends with other polymers at levels not to exceed 20 percent by weight of total polymer, subject to the limitation that when contacting food of types III, IV–A, V, VI–C, VII–A, and IX identified in § 176.170(c) of this chapter, Table 1, the polymers shall be used only under conditions of use C, D, E, F, and G, described in § 176.170(c) of this chapter, Table 2.				
* * *	*	*	*	*
3.8 Olefin polymers described in paragraph (a)(3)(vi) of this section, having a melt flow index not to exceed 9.2 grams per 10 minutes as determined by the method described in paragraph (d)(7) of this section, for use in blends with other polymers at levels not to exceed 8 percent by weight of total polymer, subject to the limitation that when contacting food of types III, IV–A, V, VI–C, VII–A, and IX, identified in § 176.170(c) of this chapter, Table 1, the polymers shall be used only under conditions of use C, D, E, F, and G, described in § 176.170(c) of this chapter, Table 2.				
* * *	*	*	*	*

(d) * * *

(7) * * *

List of polymers	Conditions/procedures
* * * * *	
Olefin polymers described in paragraph (a)(2)(ii) of this section.	Condition E, procedure A.
Olefin polymers described in paragraph (a)(3)(vi) of this section.	Condition E, procedure A.

* * * * *

Dated: August 5, 1999.

Janice F. Oliver,

Deputy Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 99–22474 Filed 8–27–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 178

[Docket No. 99F–0459]

Indirect Food Additives: Adjuvants, Production Aids, 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 isopropyl laurate in surface lubricants used in the manufacture of metallic articles intended for contact with food. This action is in response to a petition filed by Exxon Co. International.

DATES: This regulation is effective August 30, 1999; submit written objections and requests for a hearing September 29, 1999.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3081.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of March 18, 1999 (64 FR 13431), FDA announced that a food additive petition (FAP 9B4647) had been filed by Exxon Co. International, 200 Park Ave., Florham Park, NJ 07932–1002. The petition proposed to amend the food additive regulations in § 178.3910 *Surface lubricants used in the manufacture of metallic articles* (21 CFR 178.3910) to provide for the safe use of isopropyl laurate in surface lubricants used in the manufacture of metallic articles intended for contact with food.

The March 18, 1999, filing notice for the petition stated that the action resulting from the petition qualified for a categorical exclusion under 21 CFR 25.32(i). This conclusion was not correct. Upon further review, the agency determined that such a categorical exclusion is not appropriate for this proposed action, because the lubricant does not remain with the finished food packaging material through use by the consumer. Consequently, as discussed below, the agency considered the environmental effects of this action.

FDA has evaluated data in the petition and other relevant material. Based on this information, the agency concludes that: (1) The proposed use of the additive is safe, (2) the additive will