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.

List of Subjects in 21 CFR Part 177

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 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 177.2415 is added to subpart C to read as follows:

§ 177.2415 Poly(aryletherketone) resins.

Poly(aryletherketone) resins identified in paragraph (a) of this section may be safely used as articles or components of articles intended for repeated use in contact with food subject to the provisions of this section.

(a) *Identity*. For the purposes of this section, poly(aryletherketone) resins are poly(*p*-oxyphenylene *p*-oxyphenylene *p*-carboxyphenylene) resins (CAS Reg. No. 29658–26–2) produced by the polymerization of hydroquinone and 4,4′-difluorobenzophenone, and have a minimum weight-average molecular weight of 12,000, as determined by gel permeation chromatography in comparison with polystyrene standards, and a minimum mid-point glass transition temperature of 142 °C, as determined by differential scanning calorimetry.

(b) *Optional adjuvant substances*. The basic resins identified in paragraph (a) may contain optional adjuvant substances used in their production. These adjuvants may include substances described in § 174.5(d) of this chapter and the following:

Substance	Limitations
Diphenyl sulfone	Not to exceed 0.2 percent by weight as a residual solvent in the finished basic resin.

(c) *Extractive limitations*. The finished food contact article, when extracted at reflux temperatures for 2 hours with the following four solvents, yields in each extracting solvent net chloroform soluble extractives not to exceed 0.05 milligrams per square inch of food contact surface: Distilled water, 50 percent (by volume) ethanol in distilled water, 3 percent acetic acid in distilled water, and *n*-heptane. In testing the final food contact article, a separate test sample shall be used for each extracting solvent.

Dated: April 16, 1998.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 98–10969 Filed 4–23–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF STATE

22 CFR Part 50

[Public Notice 2780]

Nationality Procedures

AGENCY: Bureau of Consular Affairs, Department of State.

ACTION: Final rule; correction.

SUMMARY: This document contains corrections to the final regulations published in the **Federal Register** of Wednesday, June 12, 1996 (61 FR 29651). The regulations related to State Department Nationality Procedures. A misprint occurred which omitted part of one sentence. This correction adds the omitted language. This correction also updates the citation of authorities for Part 50.

DATES: Effective upon April 24, 1998.

FOR FURTHER INFORMATION CONTACT: Edward A. Betancourt, or Michael Meszaros, Overseas Citizens Services, Department of State, 202–647–3666.

SUPPLEMENTARY INFORMATION: In the final rule published on June 12, 1996, the Department revised its procedures concerning loss of nationality. 22 CFR 50.40 describes certain acts for which citizens need not submit evidence of intent to retain U.S. nationality. Because of an error, the last part of the second sentence in 22 CFR 50.40 was omitted. This correction adds the missing sentence. In addition, in the authorities, citations to current sections of the United States Code replace original citations.

PART 50—NATIONALITY PROCEDURES

Accordingly, 22 CFR Part 50 is corrected as follows:

1. The authority section for 22 CFR Part 50 is revised to read as follows:

Authority: 22 U.S.C. 211a, 22 U.S.C. 2051a, 2705, 8 U.S.C. 1104, 1503.

2. In § 50.40(a), add the following in the second sentence after the first occurrence of the word ''U.S.'': ''citizens who naturalize in a foreign country; take a routine oath of allegiance; or accept non-policy level employment with a foreign government need not submit''.

Dated: April 15, 1998.

Donna Hamilton,

Acting Assistant Secretary for Consular Affairs.

[FR Doc. 98–10904 Filed 4–23–98; 8:45 am]

BILLING CODE 4710–06–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CT18–1–7204a; A–1–FRL–5999–2]

Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Alternative Reasonably Available Control Technology for Volatile Organic Compounds at Risdon Corporation in Danbury

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Connecticut. This revision allows an alternative reasonably available control technology (RACT) determination for volatile organic compound (VOC) emissions at Risdon Corporation's Danbury facility which are subject to Connecticut's miscellaneous metal parts and products VOC RACT regulations. The intended effect of this action is to approve the

source-specific RACT determination made by the State in accordance with the Clean Air Act. This action is being taken in accordance with section 110 of the Clean Air Act.

DATES: This rule is effective on June 23, 1998, without further notice unless the Agency receives relevant adverse comments by May 26, 1998. Should the Agency receive such comments, it will publish a timely document withdrawal of this rule in the **Federal Register**.

ADDRESSES: Comments may be mailed to Susan Studlien, Deputy Director, Office of Ecosystem Protection (mail code CAA), U.S. Environmental Protection Agency, Region I, JFK Federal Building, Boston, MA 02203–2211. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment, at the Office Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA, as well as the Bureau of Air Management, Department of Environmental Protection, State Office Building, 79 Elm Street, Hartford, CT 06106–1630.

FOR FURTHER INFORMATION CONTACT: Steven A. Rapp, Environmental Engineer, Air Quality Planning Unit (CAQ), U.S. EPA, Region I, JFK Federal Building, Boston, MA 02203–2211; (617) 565–2773; or by E-mail at: Rapp.Steve@EPAMAIL.EPA.GOV.

SUPPLEMENTARY INFORMATION:

A. VOC RACT Requirement

Risdon Corporation (Risdon) operates metal surface coating equipment at its Danbury facility, including chain-on-edge spray painting lines and a dip coating tank, for purposes of coating miscellaneous metal parts (''metal coating lines''). These metal coating lines are subject to the volatile organic compound (VOC) emission limits of Section 22a–174–20(s) of the Regulations of Connecticut State Agencies, which was approved into the Connecticut SIP on February 17, 1982. Section 22a–174–20(s) sets limits on the quantity of VOC (e.g., solvents, thinners, etc.) per gallon of coating (e.g., paints) that certain types of industrial facilities may use.

B. Emissions Bubble

Risdon was unable to meet the emission limits of Section 22a–174–20(s) on a coating by coating basis at the Danbury facility. Pursuant to Section 22a–174–20(cc), Risdon applied for an alternative emission reduction plan (AERP) to reduce the total emissions from the metal coating lines which would be equivalent to the reduction which would have been achieved by having the metal coating lines comply with Section 22a–174–20(s) on a coating by coating basis. This kind of AERP is known as an emissions average, or ''bubble,'' and is allowed under EPA's Economic Incentive Program (EIP) rules (59 FR 16690, April 7, 1994) and Emissions Trading Policy Statement (51 FR 43814, December 4, 1986). These policies, as well as the technical support document, located at the addresses provided in the ''addresses'' section of this notice, should be referred to for more information regarding bubbles.

Risdon originally submitted an application for the AERP to the Connecticut Department of Environmental Protection (CT DEP) on May 31, 1991 and revisions to the application on June 3, 1992, and January 27, 1993. Initially, the AERP proposal included the use of VOC emission reduction credits (ERCs) from the shutdown of coating lines at Eyelet Specialty Company, Incorporated in Wallingford, Connecticut. Risdon owned Eyelet and they were seeking to use the VOC ERCs from Eyelet in a daily VOC bubble at the Danbury facility. The Eyelet VOC emissions were included in Connecticut's 1990 emissions inventory, which serves as the baseline for Connecticut's reasonable further progress (RFP) and attainment planning. After adjusting the emissions to account for the coating operations which were shifted to Risdon's Danbury facility (i.e., the shift in demand), as well as the control requirements to which Eyelet's processes would have been subject (e.g., VOC RACT), CT DEP and EPA determined that a portion of the shutdown emissions were surplus to Connecticut's SIP requirements.

C. Long-Term Average

Subsequently, Risdon made a number of changes at the Danbury facility which allowed them to comply with the limits of Section 22a–174–20(s) on a coating by coating basis, except for a few coatings used on a few days per year. Risdon then proposed a different AERP which involved averaging the coatings at the Danbury facility on a weekly, rather than daily, basis. This meant that although they would record their coating usage each day, they would demonstrate their total VOC emissions from the coating lines was less than the total emissions allowed by the regulations each week. Additionally, although they proposed to demonstrate this without the aid of the Eyelet credits, Risdon also agreed in the AERP to retire the Eyelet credits.

Under the EPA's EIP rules, extended averaging periods are allowed provided that the State makes a showing that such long term averaging is consistent with the RACT, RFP, and the short-term national ambient air quality standard (NAAQS). The policy states that such a showing should take into account the extent to which the statistical variations from an individual source are random or systematic, as well as whether they are independent of RACT, RFP, and the NAAQS. Furthermore, the policy requires that the showing demonstrate that the pattern of emission resulting from the relaxed averaging period approximate the patterns that occur without the longer term average (see 59 FR 16706).

On January 17, 1996, Connecticut submitted a statistical showing which they received from Risdon which demonstrated that the pattern of emissions based on a weekly averaging period approximates the pattern of daily emissions at the plant on a daily averaging basis (see Attachment A of the technical support document (TSD) for more information). The coating lines at Risdon coat metal parts (e.g., cosmetic cases) on an as-ordered basis. The variations in emissions from Risdon are seasonally random, meaning that similar batches may be run at any time of the year without regard to season. Therefore, the few days per year when the daily emission limits cannot be met are not predictable. Given this randomness, the facility is expected to run in the same manner as before they were allowed the longer averaging time.

Additionally, the consent order No. 8036 also requires Risdon to retire the 7,587.66 pounds (3.79 tons) of VOC per year from the Eyelet facility. This means that even though the bubble allows weekly averaging, there is a daily emissions mitigating effect from the retired ERCs which is 2 to 3 times greater than any of the peak data points shown on Attachment A of the TSD. Given the statistical showing and the retired Eyelet credits, EPA has determined that the weekly average does not interfere with RACT, RFP, or the NAAQS and therefore, the weekly average can be approved.

On February 20, 1996, CT DEP formally proposed Order No. 8036 for public comment and on April 24, 1996, a public hearing was held. EPA submitted written comments on the proposal on April 9, 1996. The final Order No. 8036 was issued by CT DEP on May 6, 1996 and submitted to EPA on June 3, 1996. EPA deemed the submittal technically and administratively complete on July 3, 1996.

I. Final Action

As described in the **SUPPLEMENTARY INFORMATION** section of this notice, EPA review of the submittal for Risdon Corporation, including State Order No. 8036 and supporting documentation, indicates that Connecticut has defined an approvable emissions average for compliance with metal coating VOC RACT requirements at the Danbury facility. Therefore, EPA is approving State Order No. 8036 into the Connecticut SIP at this time.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal should relevant adverse comments be filed. This rule will become effective on June 23, 1998 without further notice unless the Agency receives relevant adverse comment by May 26, 1998. Should the Agency receive such comments, it will publish a document in the **Federal Register** withdrawing the final rule and informing the public that this rule did not take effect. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this rule will be effective on June 23, 1998,and no further action will be taken on the proposed rule.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any State implementation plan. Each request for revision to the State implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

II. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA 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, EPA 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 Clean Air Act 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, the Administrator certifies 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 CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

To reduce the burden of Federal regulations on States and small governments, President Clinton issued Executive Order 12875 on October 26, 1993, entitled ''Enhancing the Intergovernmental Partnership.'' Under Executive Order 12875, EPA may not issue a regulation which is not required by statute unless the Federal Government provides the necessary funds to pay the direct costs incurred by the State and small governments or EPA provides to the Office of Management and Budget a description of the prior consultation and communications the agency has had with representatives of State and small governments and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected and other representatives of State and small governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

The present action satisfies the requirements of Executive Order 12875 because it is required by statute and because it does not contain a significant unfunded mandate. Section 110(k) of the Clean Air Act requires that EPA act on implementation plans submitted by states. This rulemaking implements that statutory command. In addition, this rule approves pre-existing state requirements and does not impose new federal mandates binding on State or small governments.

Under section 202 of the Unfunded Mandates Reform Act of 1995 (Unfunded Mandates Act), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate, or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. Small governments are not significantly or uniquely affected because this rule imposes no requirements on such entities.

D. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 804, however, exempts from section 801 the following types of rules: Rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding today's action under section 801 because this is a rule of particular applicability. This rule only affects two specifically-named entities, Risdon Corporation's Danbury, Connecticut facility and Eyelet Specialty Company, Incorporated, of Wallingford, Connecticut.

E. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 23, 1998. 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). EPA encourages interested parties to comment in response to the proposed rule rather than petition for judicial review, unless the objection arises after the comment period allowed for in the proposal.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Note: Incorporation by reference of the State Implementation Plan for the State of Connecticut was approved by the Director of the Federal Register on July 1, 1982.

Dated: April 2, 1998.

John P. DeVillars,

Regional Administrator, Region I.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart H—Connecticut

2. Section 52.370 is amended by adding paragraph (c)(73) to read as follows:

§ 52.370 Identification of plan.

* * * * *

(c) * * *

(73) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on June 3, 1996.

(i) Incorporation by reference.

(A) Letter from the Connecticut Department of Environmental Protection dated June 3, 1996, submitting a revision to the Connecticut State Implementation Plan.

(B) State Order No. 8036, dated May 6, 1996, for Risdon Corporation, effective on that date. The State order define and impose alternative RACT on certain VOC emissions at Risdon Corporation in Danbury, Connecticut.

3. In § 52.3854, Table 52.385 is amended by adding a new entry to existing state citations for Section 22a–174–20, ''Control of Organic Compound Emissions'' to read as follows:

§ 52.385 EPA-approved Connecticut regulations.

* * * * *

TABLE 52.385.—EPA-APPROVED RULES AND REGULATIONS

Connecticut state citation	Title/subject	Dates		Federal Register citation	Section 52.370	Comments/description
		Date adopted by state	Date approved by EPA			
*	*	*	*	*	*	*
22a–174–20 ...	Control of organic compound emissions.	June 3, 1996	April 24, 1998	[Insert FR citation from published date].	(c)(73)	Alternative VOC RACT for Risdon Corporation in Danbury.
*	*	*	*	*	*	*

[FR Doc. 98–10975 Filed 4–23–98; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MO 046–1046; FRL–6001–2]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is taking final action to approve revisions to Missouri Rule 10 CSR 10–2.330, ''Control of Gasoline Reid Vapor Pressure,'' submitted by the Missouri Department of Natural Resources (MDNR) on November 13, 1997. This revision sets a summertime gasoline Reid Vapor Pressure (RVP) limit of 7.2 pounds per square inch (psi), and 8.2 psi for gasoline containing at least 9.0 percent by volume but not more than 10.0 percent by volume ethanol, for gasoline distributed in Clay, Platte, and Jackson Counties in Missouri. This revision is necessary to ensure that the area continues to maintain the National Ambient Air Quality Standard (NAAQS) for ozone.

DATES: This rule is effective on May 26, 1998.

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.

FOR FURTHER INFORMATION CONTACT: Stan Walker at (913) 551–7494.

SUPPLEMENTARY INFORMATION:

I. Background

On March 24, 1997 (62 FR 13849), the EPA proposed to approve the incorporation of Missouri Rule 10 CSR 10–2.330 into the State Implementation Plan (SIP). This revision, which limits the RVP of gasoline sold in the Missouri portion of the Kansas City metropolitan area, is necessary to help the Kansas City area maintain the NAAQS for ozone.

The state emergency rule was adopted and approved by the Missouri Air Conservation Commission (MACC) after proper public notice and hearing procedures. The emergency rule became effective on May 1, 1997, and expired on October 27, 1997. The state's permanent rule has undergone proper public notice and hearing and was adopted at the June 26, 1997, public hearing by the MACC, and became effective on October 30, 1997.