The immigration officer to whom the application is submitted, however, may waive the photographs for just cause.

(3) *Applicant under fourteen years old.* An applicant under fourteen years old shall not submit Form G–325A, Biographic Information, or his/her fingerprints on Form FD–258.

(d) *Personal appearance.* Each applicant, including an applicant under eighteen years of age, must submit his/her application in person. This requirement may be waived at the discretion of the immigration officer to whom the application is submitted because of confinement of age, physical infirmity, illiteracy, or other compelling reason.

(e) *Interview.* The applicant may be required to appear in person before an immigration officer prior to adjudication of the application to be interviewed under oath concerning his/her eligibility for creation of a record of lawful permanent residence.

(f) *Decision.* The decision regarding creation of a record of lawful permanent residence for an alien eligible for presumption of lawful admission for permanent residence or for a person born in the United States to a foreign diplomatic officer will be made by the district director having jurisdiction over the applicant's place of residence.

(g) *Date of record of lawful permanent residence.* (1) *Presumption of lawful admission for permanent residence.* If the application is granted, the applicant's permanent residence will be recorded as of the date of the applicant's arrival in the United States under the conditions which caused him/her to be eligible for presumption of lawful admission for permanent residence.

(2) *Lawful permanent residence as a person born in the United States under diplomatic status.* If the application is granted, the applicant's permanent residence will be recorded as of his/her date of birth.

(h) *Denied application.* If the application is denied, the decision may not be appealed.

(Secs. 101(a)(20), 103, 262, 264 of the Immigration and Nationality Act, as amended; 8 U.S.C. 1101(a)(20), 1103, 1302, 1304)

Dated: December 23, 1981.

Doris M. Meissner,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 82-547 Filed 1-7-82; 8:45 am]

BILLING CODE 4410-01-M

8 CFR Part 204

Petition To Classify Alien as Immediate Relative of a United States Citizen or as a Preference Immigrant; Documents; Certification of Documents

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule adds accredited representatives of recognized nonprofit voluntary agencies to those persons who may certify the authenticity of photo copies of original documents that are submitted in visa petition proceedings. This will allow more petitioners to retain their original documents without fear of loss or access of availability to valuable or sentimental documents. The Service also benefits from a reduction in requests for comparative certifications and a reduction in future requests to return originals from Service files.

EFFECTIVE DATE: January 11, 1982.

FOR FURTHER INFORMATION CONTACT:

For General Information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536, Telephone (202) 633–3048

For Specific Information: Ernest B. Duarte, Jr., Director of Outreach Program, 425 I Street, NW., Room 6244, Washington, D.C. 20536, Telephone (202) 633–4123

SUPPLEMENTARY INFORMATION: The present 8 CFR 204.2(h) allows attorneys to certify the authenticity of copies of original documents in visa petition proceedings. This allows petitioners to submit certified copies and to retain valuable or sentimental originals. This practice reduces the Service workload in processing petitions; prevents loss of originals; reduces requests for the return of originals after comparison; and, in the case of originals not accompanied by copies, reduces future requests for the return of originals from Service record files.

Nonprofit voluntary agencies and their employees are permitted to represent aliens before the Service if recognized and accredited by the Board of Immigration Appeals under 8 CFR 292.2. The extension of the certification authority to recognized organizations and their accredited representatives will allow them to better serve their clientele while allowing the Service to maintain the quality and integrity of its adjudication proceedings under 8 CFR Part 204. The Service will continue to reserve the right to require submissions of the original documents when it deems necessary for proper enforcement of the Act.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the rule is limited to agency practice and procedure which is of benefit to the public.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have a significant economic impact on a substantial number of small entities.

This rule is not a major rule within the meaning of section 1(b) of E.O. 12291.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

1. In § 204.2, paragraph (h) is revised to read as follows:

§ 204.2 Documents.

* * * * *

(h) *Certification of documents*—(1) *By attorneys.* A copy of a document submitted in support of a visa petition filed pursuant to section 204 of the Act and this Part may be accepted, though unaccompanied by the original, if the copy bears a certification by an attorney typed or rubber-stamped in the following language:

I certify that I have compared this copy with its original and it is a true and complete copy.

Signed: ——— Date: ———
Name: ———, Attorney at Law
Address: ———
Admitted to Practice in State of ———

(2) *By accredited representatives of recognized nonprofit voluntary agencies under § 292.2 of this Chapter.* A copy of a document submitted in support of a visa petition filed pursuant to section 204 of the Act and this Part may be accepted, though unaccompanied by the original, if the copy bears a certification by an accredited representative, typed or rubber-stamped in the following language:

I certify that I have compared this copy with its original and it is a true and complete copy.

Signed: ——— Date: ———
Name: ———, Accredited Representative
Agency: ———
Agency Address: ———
Date of Agency Recognition: ———
Date of Representative Accreditation: ———

(3) *Original document.* The original document must be submitted if requested by the Service.

* * * * *

(Sec. 103, 66 Stat. 173 (8 U.S.C. 1103))

Dated: December 28, 1981.

Doris M. Meissner,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 82-548 Filed 1-7-82; 8:45 am]

BILLING CODE 4410-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 327

Interest Charge on Delinquent Assessment Payments and Assessment Overpayments

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: FDIC amends Part 327 of its regulations pertaining to its insurance assessment on deposits held by insured banks. The amendment requires insured banks to pay interest on delinquent assessment payments owed to FDIC if the delinquencies are not caused by FDIC. Further, it requires FDIC to pay interest on assessment overpayments by insured banks. The amendment insures that appropriate compensation is provided to insured banks and the FDIC for the loss of the immediate use of their funds when such delinquent payments or overpayments occur under the assessment process. The amendment is issued under FDIC's general rule making authority in Section 9 of the Federal Deposit Insurance Act.

The amendment will not significantly affect any insured bank since the interest paid to banks by FDIC for overpayments will generally be insignificant and the interest paid by a bank to FDIC for delinquencies will be materially or completely offset by interest income realized by the bank from the use of FDIC funds. Further, the interest charge on the delinquent payments will only affect those banks which have failed to comply with FDIC regulations.

EFFECTIVE DATE: January 4, 1982.

FOR FURTHER INFORMATION CONTACT: J. David Shaffer, Assessments Section Chief, Division of Accounting and Corporate Services (202-389-4735), or Roger A. Hood, Assistant General Counsel, Legal Division (202-389-4628), Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION: On October 19, 1981, FDIC published a proposal in the **Federal Register** (46 FR 51256) which would amend Part 327 to impose an interest charge on late assessment payments which are not caused by FDIC so that FDIC can recoup the interest which it loses on the funds during the delinquent period. The proposal also provided for FDIC to pay interest on assessment overpayments by insured banks.

Public comment on the proposal was invited through December 3, 1981. During the period, ten (10) written comment letters were received. All but two of these were favorable (including one from the American Bankers Association) and several included recommendations to be considered by FDIC. The most significant comments are discussed below.

(1) One comment stated that banks should not be required to pay interest on delinquent payments which result from a bank's reliance on an FDIC rule, regulation, or approval. Section 327.06 of the proposed rule which was published for comment states that the interest would not be charged for delinquent payments that are caused by FDIC. This provision was intended to be applicable to a delinquent payment that is caused by a bank's good faith reliance on an FDIC rule, regulation, or approval which specifically applied to the situation. To clarify the regulation, the final rule has been changed to expressly state this.

(2) Two of the comment letters recommended that the interest charge not be imposed for delinquent payment if the delinquency resulted from an unintentional error, including a clerical, printing, or computer error. Since the interest charge is a "use" charge rather than a penalty charge, FDIC believes that the interest charge should be applicable in such situations and that intent should not be a critical determining factor.

(3) Another comment opposed the proposal because, according to the comment, the proposal does not take into account situations which involve protracted disputes that arise between banks and the FDIC over the proper interpretation of rules, regulations, or statutory provisions. As has been stated earlier, the interest charge is intended to be a "use" charge which, among other things, permits FDIC to recover the interest which it now loses on delinquent funds during the period of the delinquency. Accordingly, the length of a dispute is not a key factor in the application of the interest charge. Rather, the key element is whether FDIC was entitled to the funds during the delinquency and, in turn, the interest on the funds.

(4) It was also recommended that the language in the final rule be clarified to indicate which of the several Department of Treasury rates is applicable and to state that the rate is published under the provisions of the Treasury Fiscal Requirements Manual (TFRM) but is not published in the manual itself. In response to this comment, FDIC has added statements in the final rule which indicate that the rate is the U.S. Treasury's current value of funds rate that is issued under the TFRM provisions and published quarterly in the **Federal Register.**

The proposal which was published for comment has also been modified to require FDIC to pay interest on all overpayments regardless of whether or not the overpayment was caused by FDIC.

Except for the changes noted above, the provisions in the final rule adopted by the FDIC are the same as those in the proposal that was issued for public comment. Further, in order that the interest charge requirements may be used for the first 1982 semi-annual assessments which are due on January 31, 1982, the FDIC has decided to make the final rule effective immediately rather than delay its effective date for 30 days.

The regulation will not affect the competitive status of an insured bank or impose any additional regulatory burden. It merely establishes an interest charge for the use of funds and does not add any additional recordkeeping or reporting requirements. Further, the amendment will not have any significant economic impact on insured banks since the amount of the interest paid to banks for overpayments will generally be insignificant and the amount of the interest charge to a bank for delinquent payments can generally be defrayed by the income the bank obtains from the use of the FDIC funds. Because of these factors, the FDIC Board of Directors has specifically certified that the amendment will not have a significant economic impact on a substantial number of small entities. Consequently, the analyses requirements of the Regulatory Flexibility Act are not applicable and FDIC has not made an initial or a final regulatory analysis in connection with the amendment.

PART 327—ASSESSMENTS

In view of the above, the FDIC Board of Directors amends 12 CFR Part 327 as follows:

(1) The authority citation for Part 327 reads as follows:

Authority: Secs. 7–9, Pub. L. No. 797, 64 Stat. 876–882 as amended by secs. 2, 3, Pub. L. No. 86–671, 74 Stat. 547–551 and sec. 304, Pub. L. No. 95–630, 92 Stat. 3676 (12 U.S.C. 1817–1819).

(2) A new § 327.06 is added to read as follows:

§ 327.06 Payment of interest on delinquent assessment payments and assessment overpayments.

(a) Each insured bank shall pay to the Corporation interest on delinquent assessment payments. All assessments will be considered delinquent if they are postmarked after the time for payment specified in § 327.05, including late payments caused by bank errors in the Certified Statement, unless the delay has been caused by a bank's good faith reliance on a specific FDIC rule, regulation or approval. The interest rate will be the United States Treasury Department's current value of funds rate which is issued under the Treasury Fiscal Requirements Manual (TFRM rate) and published quarterly in the **Federal Register**. The interest rate will be determined as follows:

(1) *Current year.* (i) For delinquent days occurring on or prior to March 31, the rate will be the TFRM rate that is published in the preceding December.

(ii) For the delinquent days occurring from April 1 to June 30, the rate will be the TFRM rate that is published in March for the second quarter of the year.

(iii) For delinquencies days occurring from July 1 to September 30, the rate will be the TFRM rate that is published in June for the third quarter.

(iv) For delinquent days occurring from October 1 to December 31, the rate will be the TFRM rate that is published in September for the fourth quarter.

(2) *Prior years.* The interest will be calculated quarterly and compounded annually at the rates applicable for each quarter as issued under the TFRM. For the initial year, the rate will be applied to the gross amount of the delinquent payment. For each additional year or portion thereof the rate will be applied to the net amount of the delinquent payment after it has been reduced by the assessment credit for the year.

(b) The Corporation will pay interest to an insured bank for any overpayments.

By Order of the Board of Directors, January 4, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 82–464 Filed 1–7–82; 8:45 am]

BILLING CODE 6714–01–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 10

[T.D. 82–8]

Customs Regulations Amendments Relating to the Importation of Certain Fresh, Chilled, or Frozen Beef

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: The Trade Agreements Act of 1979 made numerous changes to various provisions of law presently administered in whole or in part by the Customs Service. One of those changes relates to the importation of certain fresh, chilled, or frozen beef. This document adds a new section to the Customs Regulations to require a certification, by an official of the exporting country, stating that certain fresh, chilled, or frozen beef meets specifications prescribed in regulations issued by the U.S. Department of Agriculture.

EFFECTIVE DATE: This rule is effective on: January 8, 1982.

FOR FURTHER INFORMATION CONTACT: Raymond R. Janiszewski, Duty Assessment Division, Office of Trade Operations, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–8651).

SUPPLEMENTARY INFORMATION:

Background

The Trade Agreements Act of 1979, Pub. L. 96–39, 93 Stat. 144 (the "Act") made numerous changes to various provisions of law administered in whole or in part by the Customs Service.

Title V of the Act provides for the implementation of certain tariff concessions negotiated in the Multilateral Trade Negotiations ("MTN"). Section 506 of Title V amended Schedule 1, Part 2, Subpart B, Tariff Schedules of the United States ("TSUS"), by deleting item 107.60 and inserting items 107.61, 107.62, and 107.63, relating to certain fresh, chilled, or frozen beef.

Prior to the Act, fresh, chilled, or frozen beef and veal (except for sausages) valued over 30 cents per pound were classified under TSUS item 107.60. The rate of duty was 10 percent ad valorem. Before the Act, portion control cuts from Canada were entered under TSUS item 107.60, which was not covered by the Meat Import Act (Pub. L. 88–482, 19 U.S.C. 1202). Section 506 of the Act created a separate tariff classification for portion control cuts meeting high-quality U.S. specifications. Section 704 of the Act includes this new tariff classification in the coverage of the Meat Import Act.

In bilateral negotiations with Canada, the United States agreed to reduce the duty on high-quality portion control cuts of beef from 10 percent to 4 percent ad valorem on condition that (1) the concession apply only to portion control cuts which meet high-quality specifications (7 CFR 2853.106 (a) and (b)) and (2) meat entering under the concession would be counted against the exporter's allocation under the U.S. Meat Import Program.

Under the provisions of new TSUS item 107.61, a certification is required from an official of the exporting country prior to exportation stating that the fresh, chilled, or frozen beef meets the specifications for beef contained in regulations issued by the U.S. Department of Agriculture (7 CFR 2853.106 (a) and (b)). The certification is to be in a form required by regulations issued by the Secretary of the Treasury after consultation with the Secretary of Agriculture. A proposal was developed as a result of meetings between personnel from the Customs Service and the U.S. Department of Agriculture (USDA) and published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on July 2, 1981 (46 FR 34598).

Discussion of Comments

Only three comments were received in response to the NPRM.

One commenter suggested that the required certification should be exempted from the missing document provisions of § 141.66, Customs Regulations (19 CFR 141.66). Section 141.66 states that unless otherwise prescribed in the Customs Regulations, an appropriate bond may be given for the production of any required document which is not available at the time of entry.

Customs is of the opinion that fresh, chilled, or frozen beef entered under the provisions of TSUS item 107.61, should not be treated any differently than other classes of merchandise subject to a reduced rate of duty once certain conditions are satisfied. Most of these classes of merchandise are listed in Part 10, Customs Regulations (19 CFR Part 10). A bond for missing documents may

be posted for most of these classes of merchandise. Accordingly, Customs believes that a bond for missing documents should be allowed for the certification required for beef entered under TSUS item 107.61. However, as a practical matter, the certification will be available in virtually every case at the time of entry. The NPRM proposed to add the required certification to the foreign officials meat-inspection certificate required by USDA regulations (9 CFR 327.4). Section 327.4 requires that each consignment be accompanied by the foreign officials meat-inspection certificate. The USDA examination and release may not take place without the required certification. Therefore, the certification should always be available at the time of entry.

Another commenter noted that the term "high quality beef" is not used in TSUS item 107.61 and suggested that it be deleted from the certification. Customs concurs with this comment and, accordingly, has deleted the term from the final rule.

The same commenter also recommended that the reference to 7 CFR 2853.106 (a) and (b) be deleted from the certification since no citation to these sections appears in TSUS item 107.61. Sections 2853.106 (a) and (b) and TSUS item 107.61 use the terms "Prime" and "Choice". It is Customs opinion, and that of the Department of Agriculture and the Office of the Trade Representative, that the terms "Prime" and "Choice" should not be used in the certification. Fresh, chilled, or frozen beef entered under TSUS item 107.61 may not be marketed as USDA "Prime" or "Choice" beef unless it is labeled by a USDA meat grader. Specific language to this effect was included in the proposed regulation and is retained in the final rule. Imported beef entered under TSUS item 107.61, therefore, may not be referred to as "Prime" or "Choice", and the exporter's certification may not refer to the beef as "Prime" or "Choice." To use the words in the certification could lead individuals to believe that the beef may be marketed as "Prime" or "Choice". In order to eliminate this possibility, the citation to 7 CFR 2853.106 (a) and (b) was used rather than "Prime" or "Choice", even though this may mean amending the certification at a later date, if, in the unlikely event, the Department of Agriculture regulations, contained in 7 CFR 2853.106 (a) and (b), are changed.

The third comment received was in favor of the proposed rule but contained no substantive comments.

Other Changes to Proposed Rule

Customs has been advised by the Foreign Agriculture Service, that the Department of Agriculture has reached agreement with the Canadian government as to the Canadian beef grades that will satisfy the certification requirements. Accordingly, a paragraph (b) has been included in the final rule which lists Canada as a country from which Customs officials will accept certifications. From time to time, as agreement is reached by the Department of Agriculture and appropriate officials of other nations, the listing will be amended to include other countries.

Finally, Customs is of the opinion that the rule would be more appropriately placed in Part 10, Customs Regulations, which relates to articles conditionally free, subject to reduced rates of duty, etc., rather than in Part 12, Customs Regulations, which relates to special classes of merchandise. Accordingly, the rule will appear in the Customs Regulations as new § 10.180.

Inapplicability of Delayed Effective Date

Because the subject matter of this document does not constitute a departure from established policy or procedure, implements a statutory policy, and confers a benefit on the public through a reduced duty rate, pursuant to 5 U.S.C. 553(d) (1) and (3), a delayed effective date is not required.

Executive Order 12291

The proposed regulation is not a major regulation as defined in section 1(b) of E.O. 12291. Accordingly, a regulatory impact analysis was not required.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this regulation. The NPRM published July 2, 1981 (46 FR 34598), contained a certification under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that the rule will not have a significant economic impact on a substantial number of small entities.

Drafting Information

The principal author of this document was John E. Elkins, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Amendment to the Regulations

Part 10, Customs Regulations (19 CFR Part 10), is amended as set forth below.

William Green,

Acting Commissioner of Customs.

Approved: December 29, 1981.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Part 10 is amended by adding a new § 10.180 and heading to read as follows:

Certain Fresh, Chilled, or Frozen Beef

§ 10.180 Certification.

(a) The foreign official's meat-inspection certificate required by U.S. Department of Agriculture regulations (9 CFR 327.4) shall be modified to include the certification below when fresh, chilled, or frozen beef is to be entered under the provisions of item 107.61, Tariff Schedules of the United States (TSUS). The certification shall be made, prior to exportation of the beef, by an official of the government of the exporting country and filed with Customs with the entry summary or with the entry when the entry summary is filed at the time of entry. The requirements of this section shall be in addition to those requirements contained in 9 CFR 327.4. Appropriate officials of the exporting country should consult with the U.S. Department of Agriculture as to the beef grades or standards within their country that satisfy the certification requirement. Exporters or importers of beef to be entered under the provisions of item 107.61, TSUS, should consult with the U.S. Department of Agriculture prior to exportation in order to insure that the beef will satisfy the certification requirements. This certification is relevant only to U.S. Customs tariff classification and is not applicable to marketing of beef under U.S. Department of Agriculture grading standards, a matter within U.S. Department of Agriculture's jurisdiction.

Certification

I hereby certify to the best of my knowledge and belief that the herein described fresh, chilled, or frozen beef, meets the specifications prescribed in regulations issued by the U.S. Department of Agriculture (7 CFR 2853.106 (a) and (b)).

(b) Appropriate officials of the following countries have agreed with the U.S. Department of Agriculture as to the grades or standards for fresh, chilled, or frozen beef within their respective countries which will satisfy the

certification requirements of paragraph (a) of this section:

Canada

(R.S. 251, as amended (19 U.S.C. 66); section 624, 46 Stat. 759 (19 U.S.C. 1624); Pub. L. 96-39, 93 Stat. 252)

[FR Doc. 82-504 Filed 1-7-82; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 1, 2, 73, 105, 170, and 172

[Docket No. 81N-0266]

Incorporation by Reference Regulatory Text

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the incorporating regulatory text in Title 21 of the Code of Federal Regulations to make clear when an incorporation by reference is intended. This action is being taken to meet the drafting requirements for incorporation by reference set forth in Title 1 of the Code of Federal Regulations (1 CFR Part 51).

DATES: Effective January 8, 1982; written comments by February 8, 1982.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Title 1 of the Code of Federal Regulations (1 CFR 51.6, 51.7, and 51.8) requires, in addition to other information, specific language in a regulation that makes clear that an incorporation by reference is intended.

FDA has reviewed all of its regulations that include materials incorporated by reference. The agency has concluded that it is necessary to amend a number of these regulations to bring them into compliance with the drafting requirements prescribed in 1 CFR 51.6, 51.7, and 51.8. This notice amends certain of the regulations concerned with food. The agency will publish additional notices revising the incorporations by reference in its regulations that cover food and other products in future issues of the **Federal Register.**

The agency is amending §§ 1.24, 2.19, 73.160, 73.450, 105.65, 170.30, and 172.280 (21 CFR 1.24, 2.19, 73.160, 73.450, 105.65, 170.30, and 172.280) to include language that: clearly indicates that an incorporation by reference is intended; contains a complete citation of the material incorporated; and contains a statement about the availability of the incorporated material. These amendments ensure compliance with the drafting requirements specified in Title 1.

Therefore, under the Federal Food, Drug, and Cosmetic Act (Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly § 5.1; see 46 FR 26052; May 11, 1981)), Title 21 of the Code of Federal Regulations is amended as follows:

PART 1—GENERAL REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

1. Part 1 is amended in § 1.24(a) (6) (i), (ii), and (iii) by revising the citation to the Measure Container Code, adding the phrase "which is incorporated by reference" after that citation, and adding a sentence at the end of the paragraph to read as follows:

§ 1.24 Exemption from required label statements.

* * * * *

(a) * * *

(6)(i) * * * "Measure Container Code of National Bureau of Standards Handbook 44," Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices, Sec. 4.45 "Measure-Containers," which is incorporated by reference, * * *. Copies are available from the Division of Regulatory Guidance, Bureau of Foods (HFF-310), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(ii) * * * "Measure Container Code of National Bureau of Standards Handbook 44", Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices, Sec. 4.45 "Measure-Container," which is incorporated by reference, * * *. Copies are available from the Division of Regulatory Guidance, Bureau of Foods (HFF-310), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(iii) * * * "Measure Container Code of National Bureau of Standards Handbook 44", Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices, Sec. 4.45 "Measure-Containers" which is incorporated by reference, * * *. Copies are available from the Division of Regulatory Guidance, Bureau of Foods (HFF-310), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

PART 2—GENERAL ADMINISTRATIVE RULINGS AND DECISIONS

2. Part 2 is amended in § 2.19 by revising the portion of the first sentence following the phrase "methods of analysis of the" and adding a new second sentence to the paragraph to read as follows:

§ 2.19 Methods of analysis.

* * * Association of Official Analytical Chemists (AOAC) as published in the latest edition (13th Ed., 1980) of their publication "Official Methods of Analysis of the Association of Official Analytical Chemists," and the supplements thereto ("Changes in Methods" as published in the March issues of the "Journal of the Association of Official Analytical Chemists"), which are incorporated by reference, when available and applicable. Copies are available from the Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, DC 20044, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.* * *

PART 73—LISTINGS OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

3. Part 73 is amended as follows:

a. In § 73.160(a) and (b) by revising the portion of the paragraph beginning with "Food Chemicals Codex" to read as follows:

§ 73.160 Ferrous gluconate.

(a) * * * Food Chemicals Codex, 2d Ed. (1972), which is incorporated by reference. Copies are available from the Director, Division of Food and Color Additives, Bureau of Foods (HFF-330), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(b) * * * Food Chemicals Codex, 2d Ed. (1972), which is incorporated by reference. Copies are available from the Director, Division of Food and Color Additives, Bureau of Foods (HFF–330), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

b. In § 73.450(a)(1) and (b) by revising the portion of the paragraph beginning with "Food Chemicals Codex" to read as follows:

§ 73.450 Riboflavin.

* * * * *

(a) * * *

(1) * * * Food Chemicals Codex, 2d Ed. (1972), which is incorporated by reference. Copies are available from the Director, Division of Food and Color Additives, Bureau of Foods (HFF–330), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(b) * * * Food Chemicals Codex, 2d Ed. (1972), which is incorporated by reference. Copies are available from the Director, Division of Food and Color Additives, Bureau of Foods (HFF–330), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

PART 105—FOODS FOR SPECIAL DIETARY USE

4. Part 105 is amended in § 105.65(c)(4)(i) and (ii) by revising the portion of the paragraphs beginning with "Biological Evaluation of Protein" and "Improved Kjeldahl Methods", respectively, to read as follows:

§ 105.65 Infant foods.

* * * * *

(c) * * *

(4) * * *

(i) * * * "Biological Evaluation of Protein Quality—Official, Final Action" of "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Ed. (1970), which is incorporated by reference. Copies are available from the Director, Division of Food Technology, Bureau of Foods (HFF–210), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(ii) * * * "Improved Kjeldahl Methods for Nitrate-Free Samples—Official, Final Action" of "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Ed. (1970), which is incorporated by reference. Copies are available from the Director, Division of Food Technology, Bureau of Foods (HFF–210), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

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PART 170—FOOD ADDITIVES

5. Part 170 is amended in § 170.30(h)(1) by revising the citation to the Food Chemicals Codex, adding the phrase "which is incorporated by reference" after that citation, and adding a new sentence at the end of the paragraph to read as follows:

§ 170.30 Eligibility for classification as generally recognized as safe (GRAS).

* * * * *

(h) * * *

(1) * * * Food Chemicals Codex, 2d Ed. (1972), which is incorporated by reference, * * *. Copies are available from the Director, Division of Food and Color Additives, Bureau of Foods (HFF–330), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

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PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

6. Part 172 is amended in § 172.280(a) by revising the portion of the paragraph beginning with "as determined by" to read as follows:

§ 172.280 Terpene resin.

* * * * *

(a) * * * as determined by ASTM Method E28–51T, "Tentative Method of Test for Softening Point By Ring and Ball Apparatus" (revised 1951), which is incorporated by reference. Copies are available from University Microfilm International, 300 N. Zeeb Rd., Ann Arbor, MI 48106, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

The agency has determined that because these amendements do not make any substantive changes in the regulations but merely are editorial, bringing the incorporation by reference text into compliance with the drafting requirements of 1 CFR 51.6, 51.7, and 51.8, notice, public procedure, and delayed effective date are unnecessary. However, interested persons may, on or before February 8, 1982 submit to the Dockets Management Branch (address above), written comments regarding these amendments. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. If the agency determines by the comments received that the amended text should be modified, a notice containing those modifications will be published in the **Federal Register**. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 17, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-265 Filed 1-7-82; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL-1998-1]

Approval and Promulgation of Implementation Plans; Revisions to Maine Sulfur-in-Fuel Regulations; Maine

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is approving a revision to the Maine State Implementation Plan (SIP) which will allow burning of 2.5 percent sulfur content residual fuel by all sources located in that portion of the Metropolitan Portland Air Quality Control Region (AQCR) outside of the "Portland Peninsula" area. Sources located within the "Portland Peninsula" area will continue to burn 1.5 percent sulfur content fuel, which is the present SIP requirement for the entire AQCR. After November 1, 1985, sources within the "Portland Peninsula" area will be limited to use of 1.0 percent sulfur content fuel under this revision. No comments were received on the proposed rulemaking.

EFFECTIVE DATE: January 8, 1982.

FOR FURTHER INFORMATION CONTACT: Miriam Fastag, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223–5609.