

(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.

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.

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 amendments 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. 82-285 Filed 1-7-82; 8:45 am]

BILLING CODE 4160-01-M

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.

ADDRESSES: Copies of the Maine document which is incorporated by reference are available for public inspection during regular business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460; the Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. and the Maine Department of Environmental Protection, Bureau of Air Quality Control, Ray Building, Hospital Street, Augusta, Maine.

SUPPLEMENTARY INFORMATION: On August 5, 1981, EPA proposed approval in the *Federal Register* (46 FR 39861) of a revision to the Maine State Implementation Plan (SIP), submitted by the Governor of Maine on August 25, 1977. Presently the SIP prohibits use of any fuel with a sulfur content greater than 1.5 percent by weight in the Metropolitan Portland Intrastate Air Quality Control Region (AQCR). The SIP revision, which EPA is approving today, will allow use of up to 2.5 percent sulfur content residual fuel by sources located in that portion of the AQCR outside of the "Portland Peninsula" area. The sulfur in fuel limitation for sources located within the "Portland Peninsula" area will remain at 1.5 percent sulfur content by weight until November 1, 1985. After November 1, 1985, use of any fuel with a sulfur content greater than 1.0 percent by weight is prohibited in the "Portland Peninsula" area under this revision.

The "Portland Peninsula" area consists of that section of the City of Portland bordered on the west by Interstate 295, on the south and east by the Fore River, and on the north by Casco Bay and the inlet to Back Cove. These boundaries were established by the Maine Board of Environmental Protection (BEP) based on their evaluation of monitored and modeled air quality levels and emission density characteristics of the Metropolitan Portland Intrastate AQCR. These data showed that the lower sulfur fuel requirement was necessary only for sources in the "Portland Peninsula" area.

A thorough discussion of the SIP revision and EPA's reasons for approving it were presented in the Notice of Proposed Rulemaking, cited above, and will not be repeated here. No comments have been received and EPA is now taking final action to approve the revision, excluding one provision. The revision includes a provision which would allow the Commissioner of the

Department of Environmental Protection to issue a temporary variance to an oil supplier who was unable to supply conforming fuel during a period of energy crisis and/or equipment outage. EPA is disapproving this regulatory provision as part of the federally enforceable SIP. Any variance issued under this section of the state laws must be submitted to EPA as a SIP revision. Temporary suspensions of SIP requirements during energy emergencies may also be granted using the procedures included in Section 110(f) of the Clean Air Act.

After evaluation of the state's submittal, the Administrator has determined that the Maine revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, this revision, excluding the provision noted above, is approved as a revision to the Maine State Implementation Plan.

Pursuant to the provisions of 5 U.S.C. 605(b) I certify that the SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action approves state actions. It imposes no new requirements. The disapproval of one portion of the state regulation merely preserves the status quo.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not Major because it only approves state actions and adds no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

The Agency finds that good cause exists for making this action effective immediately since this implementation plan revision is already in effect under state law and EPA approval imposes no additional regulatory burden.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's Notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(Sec. 110(a) of the Clean Air Act, as amended, 42 U.S.C. 7410 and 7601).

Note.—Incorporation by reference of the State Implementation Plan for the State of Maine was approved by the Director of the Federal Register on July 1, 1981.

Dated: December 30, 1981.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart U—Maine

1. Section 52.1020, paragraph (c) is amended by adding subparagraph (15) as follows:

§ 52.1020 Identification of plan.

(c) The plan revisions listed below were submitted on the dates specified.

(15) A revision to Regulation 100.6 (Chapter 106) "Low Sulfur Fuel Regulation" for the Metropolitan Portland Air Quality Control Region, submitted by the Governor of Maine on August 25, 1977.

2. Section 52.1030 is added:

§ 52.1030 Control strategy: Sulfur oxides.

(a) The revision to Regulation 100.6 (Chapter 106) "Low Sulfur Fuel Regulation" for the Metropolitan Portland Air Quality Control Region, submitted by the Governor of Maine on August 25, 1977, is approved with the exception of paragraph 100.6.5(b) which allows the Commissioner of the Department of Environmental Protection to grant variances to Regulation 100.6.

[FR Doc. 82-417 Filed 1-7-82; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-1-FRL 1998-8]

Approval and Promulgation of Implementation Plans Revisions; Vermont

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On August 5, 1981 EPA proposed approval of a revision to the Vermont State Implementation Plan (SIP) raising the maximum allowable sulfur-in-fuel content for fuels used, purchased or sold for use in stationary combustion installations for heat or power generation from 1.0 percent to 2.0 percent by weight (46 FR 39863). The purpose of this notice is to approve that revision to Vermont Environmental

Regulations, Chapter 5, Air Pollution Control, Subchapter II, Regulation 5-221(1), "Sulfur Limitation in Fuel," with the exception of one stationary source and under special conditions for three others, as provided herein. No comments were received on the proposed rulemaking. For the three sources approved under special conditions and for the one stationary source where the use of 2.0 percent sulfur fuel is allowed as part of a bubble strategy, EPA believes that publishing a proposed for these actions is unnecessary.

EFFECTIVE DATE: If no comments are received on the action taken for the four specified sources, the public is advised that these actions will be effective March 9, 1982.

FOR FURTHER INFORMATION CONTACT: Marcia L. Spink, Air Branch, EPA Region I, Rm. 1903, J.F.K. Federal Bldg., Boston, Massachusetts 02203, (617) 223-4448.

ADDRESSES: Copies of the Vermont submittal which is incorporated by reference are available for public inspection during regular business hours at the Environmental Protection Agency, Region I, J.F.K. Federal Building, Boston, MA 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460; and the Vermont Agency of Environmental Conservation, State Office Building, Montpelier, VT 05602.

SUPPLEMENTARY INFORMATION: On August 5, 1981, EPA proposed approval of a revision to Vermont Environmental Regulations, Chapter 5, Air Pollution Control, Subchapter II, Regulation 5-221(1), "Sulfur Limitation in Fuel" (46 FR 39863). Under the current federally-approved version of this regulation, the sulfur content of fuels for stationary combustion-installations within the State of Vermont for heat or power generation may not exceed 1.0 percent by weight. This SIP revision, which EPA is approving today, raises the maximum allowable sulfur-in-fuel content for fuels used, purchased or sold for use in stationary combustion installations for heat or power generation in Vermont to 2.0 percent by weight under Vermont Regulation 5-221(1), subsection 5-221(1)(a).

A thorough discussion of the SIP revision and EPA's reasons for approving it were presented in the Notice of Proposed Rulemaking (NPR) cited above, and will not be repeated here.

Action: No comments were received and EPA is now taking final action to approve Vermont Regulation 5-221(1), subsection 5-221(1)(a) with the

exception of one stationary source and under special conditions for three others, as discussed later in this Notice.

On August 5, 1981, EPA also proposed approval of Vermont Regulation 5-221(1), subsection 5-221(1)(b) and paragraph 5-221(1)(c)(iii) of subsection 5-221(1)(c) for reasons stated in the NPR cited above. Additionally, in that NPR, EPA proposed to disapprove Vermont Regulation 5-221(1), paragraphs 5-221(1)(c) (i) and (ii) which would allow the Secretary of the AEC to issue a permit to a person allowing the use, purchase and sale of 2.2 percent sulfur fuel upon adequate demonstration that 2.0 percent sulfur fuel is not available. EPA proposed that any variance from subsection 5-221(1)(a), except as provided by subsection 5-221(1)(b), must be submitted as a SIP revision.

Action: No comments were received on these proposed actions, and EPA is approving subsection 5-221(1)(b) and paragraph 5-221(1)(c)(iii), and disapproving paragraphs 5-221(1)(c) (i) and (ii) of Vermont Regulation 5-221(1).

In the NPR, EPA cited four point sources for which the state had to impose special operating conditions, legally binding under state regulations, to mitigate peak SO₂ impacts. The documents detailing those special operating conditions and dispersion modeling, with input data reflective of those conditions, demonstrating protection of the national ambient air quality standards (NAAQS) were to be formally submitted to EPA as part of the SIP revision in order for EPA to approve the 2.0 percent sulfur-in-fuel regulation for those sources at the time of final rulemaking. Vermont has submitted the documentation as outlined above for three of the four sources cited in the NPR.

Action: Those sources, Goodyear Tire and Rubber, in Windsor; Ryegate Paper Mill, in East Ryegate; and Yankee Milk, in Troy are approved by EPA to use fuel with a sulfur content equal to 2.0 percent by weight under the special operating conditions submitted to EPA by the state which are incorporated into and made part of the Vermont SIP.

For the Moran Generating Station, in Burlington, which is owned by the Burlington Electric Department, the state has submitted operating conditions and procedures allowing that source to bubble to meet the applicable 1.0 percent by weight sulfur-in-fuel SIP limitation. At the Moran Generating Station are three boilers of equal capacity, the emissions from which are vented to three separate, identical stacks. Under the conditions imposed by

Vermont and submitted to EPA to be incorporated into and made part of the Vermont SIP, the sulfur content of the fossil fuel utilized in the number 2 boiler shall at no time exceed 2.0 percent by weight while the sulfur content of fossil fuel utilized in boilers numbers one and three shall not exceed 0.5 percent by weight. Additionally, not more than fifty percent of the total heat input to boilers numbers one and three may be derived from fossil fuels other than natural gas. These operating conditions result in a decrease in allowable emissions and no increase in actual emissions at the source. The distance between stacks is fourteen meters resulting in a total stack spread of twenty-eight meters. The stack of the number two boiler, where the pollution increase occurs under the bubble, is of similar effective stack height as the stacks of boilers one and three, where the pollution decrease occurs. Therefore, no dispersion modeling is required for EPA to approve this bubble at the Moran Generating Station.

Action: EPA is approving these operating conditions, which provide for the use of 2.0 percent sulfur fuel in boiler number 2, as part of a bubble for meeting the 1.0 percent by weight SIP requirement applicable to the Moran Generating Station in accordance with the bubble policy for alternative emission reduction strategies for complying with SIPs (44 FR 71780).

For reasons stated in the NPR, the emissions from sources eligible to burn the higher sulfur fuel do not consume any Prevention of Significant Deterioration (PSD) increment and are included in the baseline for SO₂. Future growth is not expected to cause violations of the NAAQS or PSD increments because Vermont has new source review requirements for major sources and modifications in both attainment and nonattainment areas approved by EPA. There have been no monitored violations of the NAAQS for SO₂ in Vermont since 1974.

With regard to the approvals of the special operating conditions, under which the use of 2.0 percent sulfur fuel is allowed, imposed by the state and submitted as part of this revision to EPA for incorporation into the Vermont SIP for Goodyear Tire and Rubber, Ryegate Paper Mill, Yankee Milk, and under the bubble at the Moran Generating Station; EPA considers these actions to be noncontroversial. At the time the NPR, cited above, was published on this revision, the documents detailing the special conditions had not been submitted to EPA, although that NPR did state such documents were expected to

be submitted prior to the time of final rulemaking. EPA is approving, as part of this revision, the documents detailing the special conditions under which the use of 2.0 percent sulfur fuel is allowed at the four specified sources without going through proposed rulemaking on their specific contents. EPA believes that publishing a proposed rulemaking on these documents themselves is unnecessary, particularly in light of the fact that the special conditions imposed reflect the actual operation of the four sources and no actual emission increases result.

However, if notification is received on or before February 8, 1982 that someone wishes to submit adverse or critical comments, the actions approving the special operating conditions under which the use of 2.0 percent sulfur fuel is allowed at the four stationary sources will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final actions approving the special operating conditions under which the use of 2.0 percent sulfur fuel is allowed at the four sources, and another will begin a new rulemaking by announcing proposal of the actions and establishing a comment period. If no such comments are received the public is advised that these actions will be effective on March 8, 1982.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under sections 110 and 172 of the Clean Air Act will not have a significant economic impact of a substantial number of small entities, (46 FR 8709, January 27, 1981). The attached rule constitutes a SIP approval under Section 110 within the terms of the January 27 certification. This action only approves state actions and imposes no new requirements. The disapproval of paragraphs 5-221(1)(c) (i) and (ii) of the Vermont regulations merely preserves the status quo.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not Major because it only approves a state action enabling a source to implement a cost-effective control strategy, and adds no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

The Agency finds that good cause exists for making parts of this action effective immediately since this implementation plan revision is already in effect under state law and EPA

approval imposes no additional regulatory burden.

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the Appropriate circuit within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's Notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

After evaluation of the State's submittal, the Administrator has determined that the Vermont revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, this revision is approved as a revision to the Vermont State Implementation Plan.

Date: December 30, 1981.

(Section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 7410 and 7601)

Note.—Incorporation by reference of the State Implementation Plan for the State of Vermont was approved by the Director of the Federal Register on July 1, 1981.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Section 52.2370, paragraph (c) is amended by adding subparagraph (14) as follows:

§ 52.2370 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified:

* * * * *

(14) A revision to regulation 5-221(1), "Sulfur Limitation in Fuel," submitted by the Secretary of the Vermont Agency of Environmental Conservation on November 13, 1979.

[FR Doc. 82-414 Filed 1-7-82; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 60

Revisions to the Priority List of Categories of Stationary Sources

[AD-FRL-1990-5]

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On May 13, 1981, revisions were proposed (46 FR 26501) to the priority list of major categories of air

pollution sources for which standards of performance are to be developed under Section 111 of the Clean Air Act. The revisions included the deletion of 12 categories and a title change for one category. This action promulgates the revisions as proposed.

EFFECTIVE DATE: January 8, 1982. Under section 307(b)(1) of the Clean Air Act, judicial review of this rule is available *only* by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this rule.

ADDRESSES: *Docket.* The Docket, number A-80-23, containing all the information that EPA considered in revising the priority list, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket section (A-130), West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. A reasonable fee may be charged for copying.

Source Category Survey Reports. The reports listed below may be obtained from the Library Services Office, MD-35, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-2777.

Borax and Boric Acid Industry.....	EPA-450/3-80-004.
Refractory Industry.....	EPA-450/3-80-006.
Secondary Copper Smelting and Refining Industry.....	EPA-450/3-80-011.
Secondary Zinc Smelting and Refining Industry.....	EPA-450/3-80-012.
Industrial Incinerators.....	EPA-450/3-80-013.
Ammonia Manufacturing Industry.....	EPA-450/3-80-014.
Animal Feed Defluorination Industry.....	EPA-450/3-80-015.
Mineral Wool Manufacturing Industry.....	EPA-450/3-80-016.
Ceramic Clay Industry.....	EPA-450/3-80-017.
Thermal Process Phosphoric Acid Manufacturing Industry.....	EPA-450/3-80-018.
Detergent Industry.....	EPA-450/3-80-030.

A screening study of the potash industry may be obtained from the contact listed below.

FOR FURTHER INFORMATION CONTACT:

Mr. Gene W. Smith, Standards Development Branch, Emission Standards and Engineering Division (MD-13), Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5624.

SUPPLEMENTARY INFORMATION:

Background

Section 111(b)(1)(A) of the Clean Air Act requires the Administrator to list those categories of stationary sources that " * * * in his judgment * * * cause[], or contribute[] significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare." A category of sources that