farm groups, 4 State departments of agriculture, a veterinary medical association, a private citizen, and a member of the U.S. House of Representatives. The commenters unanimously disapproved of the proposed rule. Fourteen of the commenters expressly requested that we discard the proposal and continue paying indemnity. Most of the commenters were of the opinion that the national brucellosis eradication program's demonstrated success would be negated if the payment of indemnity were to be prematurely terminated. Each of the four State departments of agriculture, along with one of the national farm groups, made it known that the withdrawal of Federal funds would make it difficult, if not impossible, for States to continue their own brucellosis indemnity programs. Other commenters mentioned the financial strain that the loss of indemnity payments would put on the dairy and beef industries.

After considering all the comments, we concluded that our proposal to phase out indemnity payments for brucellosis reactor cattle and bison would have a detrimental effect on our efforts to eradicate brucellosis in the United States. Therefore, we are withdrawing the proposed rule.

The current rates of indemnity for brucellosis reactor cattle and bison contained in 9 CFR 51.3(a)(1) remain in effect.

Authority: 21 U.S.C. 111–113, 114, 114a, 114a–1, 120, 121, 125, 134b; 7 CFR 2.17, 2.51, and 3.71.2(d).

Done in Washington, DC, this 17th day of August 1992.

Robert Melland

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92–19913 Filed 8–19–92; 8:45 am]

BILLING CODE 3410–34–M

9 CFR Part 92

[Docket No. 86–101–2]

Importation of Birds

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Withdrawal of proposed rule.

SUMMARY: We are withdrawing a proposed rule that would have allowed birds originating in the United States, and the offspring of those birds, to be imported from an approved breeding facility without quarantine in the United States. We believe that adoption of the proposal would create an unacceptable risk of the introduction of communicable diseases of poultry into the United States.

FOR FURTHER INFORMATION CONTACT: Dr. Keith Hand, Senior Staff Veterinarian, Import-Export Animals Staff, VS, APHIS, Room 768, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–5097.

SUPPLEMENTARY INFORMATION: The regulations in 9 CFR part 92 (referred to below as the regulations) include provisions concerning the importation of birds into the United States. Section 92.106 requires, with certain exceptions, that each lot of pet birds, commercial birds, zoological birds, and research birds imported from any part of the world be entered at certain ports and be quarantined either at a United States Department of Agriculture quarantine facility or at a privately operated quarantine facility approved by the Administrator of the Animal and Plant Health Inspection Service. The quarantine requirements were established to help ensure that birds imported into the United States are free from exotic Newcastle disease, forms of avian influenza lethal to poultry, and other communicable diseases of poultry. In a document published in the **Federal Register** December 6, 1988 (53 FR 49185–49193, Docket No. 86–101), we proposed to amend the regulations by establishing provisions to allow birds originating in the United States from an approved closed breeding facility, without quarantine in the United States. In this document we are withdrawing that proposal.

In the proposal, we invited written comments on its provisions, to be postmarked or received on or before February 6, 1989. We received approximately 700 comments. Two commenters supported the proposed rule as written. One commenter supported it with changes. The remainder of the commenters either opposed the proposal or expressed reservations concerning it.

The comments in opposition to the proposal raised many issues, including that of the supervision that would be provided at a closed breeding facility. It was intended that APHIS personnel would make periodic visits to the closed breeding facility. Additionally, the proposed rule provided for a salaried veterinarian of the national veterinary services of the country in which the facility is located to perform certain functions as needed, and otherwise to inspect the facility at least once each calendar week. Many of the commenters stated that potential difficulties in carrying out adequate monitoring would create an unacceptable risk of the introduction of disease into the facility. A number of commenters also stated that it would be difficult or impossible to enforce the proposed provision that employees in the facility have no contact with birds outside the facility for at least 3 days before entering the facility.

We have determined that these concerns have merit and that they provide a basis for withdrawing the proposal.

Authority: 7 U.S.C. 1622; 19 U.S.C. 102–105, 111, 134a,134b, 134c, 134d, 134f, and 135; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, and 371.2(d).

Done in Washington DC, this 17th day of August 1992.

Robert Melland,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92–19912 Filed 8–19–92; 8:45 am]

BILLING CODE 3410–34–M

NUCLEAR REGULATORY COMMISSION

10 CFR Chapter I

Issuance of Quarterly Report on the Regulatory Agenda

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of Regulatory Agenda.

SUMMARY: The Nuclear Regulatory Commission (NRC) has issued the NRC Regulatory Agenda for the second quarter, April through June, of 1992. This agenda provides the public with information about NRC's rulemaking activities. The Regulatory Agenda is a quarterly compilation of all rules on which the NRC has recently completed action, or has proposed action, or is considering action, and of all petitions for rulemaking that the NRC has received that are pending disposition. Issuance of this publication is consistent with Section 610 of the Regulatory Flexibility Act.

ADDRESSES: A copy of this report, designated NRC Regulatory Agenda (NUREG–0936) Vol. 11, No. 2, is available for inspection, and copying for a fee, at the Nuclear Regulatory Commission's Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

In addition, the U.S. Government Printing Office (GPO) sells the NRC Regulatory Agenda. To purchase it, a customer may call (202) 512–2303 or (202) 512–2249 or write to the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013–7082.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Chief, Rules Review Section, Rules and Directives Review Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: (301) 492–7758, toll-free number (800) 368–5642.

Dated at Bethesda, Maryland, this 5th day of August 1992.

For the Nuclear Regulatory Commission.

David L. Meyer,

Chief, Rules and Directives Review Branch, Division of Freedom of Information and Publications Services, Office of Administration.

[FR Doc. 92–19880 Filed 8–19–92; 8:45 am]

BILLING CODE 7590–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92–CE–14–AD]

Airworthiness Directives; SOCATA Groupe AEROSPATIALE TBM 700 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: This document withdraws a notice of proposed rulemaking (NPRM) that would have been applicable to certain SOCATA Groupe AEROSPATIALE TBM 700 airplanes. The proposed action would have required the installation of a static discharger on the left hand anti-ice windshield. Since issuance of the NPRM, the Federal Aviation Administration (FAA) has determined that electrostatic discharge will not lead to a cracked or broken windshield and, therefore will not result in cabin decompression. The outer layer of the windshield is not load carrying and it is possible to repair any holes formed as a result of electrostatic discharge. Accordingly, the proposed rule is withdrawn.

FOR FURTHER INFORMATION CONTACT: Mr. Raymond A. Stoer, Program Officer, Brussels Aircraft Certification Office, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B–1000 Brussels, Belgium; Telephone (322) 513.38.30; Facsimile (322) 230.68.99; or Mr. William J. Timberlake, Project Officer, Small Airplane Directorate, Airplane Certification Service, FAA, 601 E. 12th Street, Kansas City, Missouri 64106; Telephone (816) 426–6932; Facsimile (816) 426–2169.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD that would be applicable to SOCATA Groupe AEROSPATIALE TBM 700 airplanes was published in the **Federal Register** on March 3, 1992 (57 FR 7562). The action proposed to require the installation of a static discharger on the left hand anti-ice windshield in accordance with the instructions in Socata Technical Instruction OPT 70K004, dated November 1991.

Interested persons have been afforded an opportunity to participate in the making of this amendment. One comment was received on the proposed rule from the manufacturer, SOCATA.

SOCATA states that the proposed rule is not necessary because the outer layer of the windshield is not load carrying and it is possible to repair any holes formed as a result of electrostatic discharge. The FAA concurs and has determined that electrostatic discharge will not lead to a cracked or broken windshield and, therefore will not result in cabin decompression. Accordingly, the proposed rule is withdrawn.

Withdrawal of this NPRM constitutes only such action, and does not preclude the agency from issuing another notice in the future, nor does it commit the agency to any course of action in the future.

Since this action only withdraws an NPRM, it is neither a proposed nor a final rule and therefore, is not covered under Executive Order 12291, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation Safety, Safety

The Withdrawal

Accordingly, the notice of proposed rulemaking, Docket No. 92–CE–14–AD, published in the **Federal Register** on March 3, 1992 (57 FR 7562), is withdrawn.

Issued in Kansas City, Missouri, on August 14, 1992.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92–19863 Filed 8–19–92; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 182 and 184

[Docket No. 80N–0218]

Citric Acid and Certain Citrate Derivatives; Affirmation of GRAS Status as Direct Human Food Ingredients

AGENCY: Food and Drug Administration, HHS.

ACTION: Tentative final rule.

SUMMARY: The Food and Drug Administration (FDA) is tentatively affirming citric acid, dibasic ammonium citrate, calcium citrate, potassium citrate, sodium citrate, isopropyl citrate, stearyl citrate, and triethyl citrate as generally recognized as safe (GRAS) for use as direct human food ingredients. The safety of these ingredients has been evaluated under the comprehensive safety review conducted by the agency.

DATES: Written comments by October 19, 1992.

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

FOR FURTHER INFORMATION CONTACT: Patricia A. Hansen, Center for Food Safety and Applied Nutrition (HFF–333), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–254–9523.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 7, 1983 (48 FR 834), FDA published a proposal to affirm that citric acid, dibasic ammonium citrate, calcium citrate, potassium citrate, sodium citrate, isopropyl citrate, stearyl citrate, and triethyl citrate are GRAS for use as direct human food ingredients. The proposal was published in accordance with the announced FDA review of the safety of GRAS and prior-sanctioned food ingredients.

In accordance with § 170.35 (21 CFR 170.35), copies of the scientific literature review and the report of the Select Committee on GRAS Substances (the Select Committee) on citric acid and these citrate derivatives have been made available for public review in the Dockets Management Branch (address above). Copies of these documents are also available for purchase from the

National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Rd., Springfield, VA 22161.

In addition to proposing to affirm the GRAS status of citric acid and these particular citrate derivatives, FDA gave public notice that it was unaware of any prior-sanctioned food ingredient uses for these substances other than for the proposed conditions of use. Persons asserting additional or extended uses in accordance with approvals granted by the U.S. Department of Agriculture or FDA before September 6, 1958, were given notice to submit proof of those sanctions so that the safety of any such prior-sanctioned uses could be determined. That notice was also an opportunity to have prior-sanctioned uses of these ingredients recognized by issuance of an appropriate regulation under Part 181—Prior-Sanctioned Food Ingredients (21 CFR part 181) or affirmed as GRAS under part 184 or 186 (21 CFR part 184 or 186), as appropriate. FDA also gave notice that failure to submit proof of an applicable prior sanction in response to the proposal would constitute a waiver of the right to assert that sanction at any future time.

No reports of prior-sanctioned uses for citric acid, dibasic ammonium citrate, calcium citrate, potassium citrate, sodium citrate, isopropyl citrate, stearyl citrate, or triethyl citrate were submitted in response to the proposal. Therefore, in accordance with the proposal, any right to assert a prior sanction for use of these ingredients under conditions different from those set forth in this rule or in part 181 has been waived.

The agency is publishing a tentative final rule before proceeding to final action because a significant period of time has elapsed since the publication of the proposal. In addition, this will allow for comment on several provisions that were not part of the proposal.

I. Response to Comments

Four letters, each containing one or more comments, were received in response to the agency's proposal on citric acid and the above citrates. A summary of the comments and the agency's responses are as follows:

1. One comment suggested changes in the description of the methods of manufacture for ammonium citrate (dibasic), calcium citrate, potassium citrate, and sodium citrate. The comment indicated that citric acid is only partially neutralized with ammonia in the manufacture of ammonium citrate (dibasic) and that calcium carbonate, potassium carbonate, and sodium carbonate, as well as their respective hydroxides, are used in the production of calcium, potassium, and sodium citrates.

The agency has reviewed this comment and agrees that the requested changes in the methods of manufacture for these ingredients are appropriate. Therefore, the agency is tentatively revising § 184.1140(a) (ammonium citrate (dibasic)), § 184.1195(a) (calcium citrate), § 184.1625(a) (potassium citrate), and § 184.1751(a) (sodium citrate) to incorporate the suggested changes.

2. Three comments reported additional direct food uses or potential food uses for ammonium citrate (dibasic), isopropyl citrate, stearyl citrate, and triethyl citrate and requested inclusion of these uses in the final rule.

One comment reported the additional use of triethyl citrate as a flavoring agent in breakfast cereals, confections and frostings, and in gravies and sauces. Another comment indicated the potential use in soft drinks of: Ammonium citrate (dibasic) as a pH control agent and as a flavor enhancer; isopropyl citrate as a solvent (vehicle) for flavors and as a sequestrant; and stearyl citrate as an antioxidant, emulsifier, and surface-active agent. Yet another comment reported the use of isopropyl citrate and stearyl citrate as sequestrants in margarine and requested that the regulations for these ingredients be expanded to affirm these citrates as GRAS for this use in all fats and oils (including margarine).

In its safety review, the Select Committee had concluded that no evidence in the available information on these citrate derivatives demonstrates, or suggests reasonable grounds to suspect, a hazard to the public at levels that are now current or might reasonably be expected in the future. In the proposal, the agency stated that it had undertaken its own review of the available information on these citrate derivatives and concurred with the conclusion of the Select Committee. The agency has considered the requested additional uses of these ingredients and finds that the additional amounts consumed would not be large enough to change that conclusion and that sufficient safety data exist to affirm the uses as GRAS when the ingredients are used in accordance with current good manufacturing practice. The agency also concludes that the ingredients will perform the technical effects specified.

Therefore, the agency is tentatively revising § 184.1140(c)(1) (ammonium citrate (dibasic)), § 184.1386(c)(1) (isopropyl citrate), and § 184.1851(c)(1) (stearyl citrate) to include the requested uses of these ingredients. With respect to the requested additional uses of triethyl citrate, the agency advises that while such use is appropriate, it is no longer including in § 184.1911(c)(2) a list of all the food categories in which it is used or its use was requested. The agency finds that inclusion of all of these food categories would result in a regulation for triethyl citrate that would be unnecessarily long regarding its description of food applications. The agency also concludes that a large margin of safety exists for current and reasonably expected future uses of this ingredient in food. The agency is retaining, however, the technical effects that were evaluated to provide some information on the scope of the safety review of this ingredient.

3. One comment noted a discrepancy in the proposed regulation for ammonium citrate (dibasic) in § 184.1140(b) (21 CFR 184.1140(b)) where it was indicated that specifications are being developed for isopropyl citrate. The comment noted that reference should be made to the development of specifications for ammonium citrate (dibasic) in this case.

The agency agrees that an error was made in the proposed regulation for ammonium citrate (dibasic). The inadvertent reference to developing food-grade specifications for isopropyl citrate is incorrect. Therefore, the agency is tentatively modifying § 184.1140(b) to reflect the correct term, ammonium citrate (dibasic).

4. One comment suggested that the technical effect listed in the proposal for stearyl citrate should be changed from antioxidant to sequestrant. The comment stated that stearyl citrate does not function directly as an antioxidant but it sequesters metal ions that otherwise would catalyze the oxidation of fats and oils.

The agency agrees that stearyl citrate prevents the oxidation of fats and oils (including margarine) by sequestering metal ions. Therefore, the agency is tentatively revising § 184.1851(c)(1) by adding sequestrant, as defined in § 170.3(o)(26) (21 CFR 170.3(o)(26)), to the list of technical effects for stearyl citrate. The agency is incorporating a similar change in § 184.1386(c)(1) for isopropyl citrate because both ingredients are used for the same technical effect in margarine and because it is contemplated that they will be used for the same technical functions in other fats and oils.

5. One comment noted that although the preamble to the proposal mentioned the prior-sanctioned uses of monoisopropyl citrate, triethyl citrate, and mono-, di-, and tristearyl citrate as plasticizers for food packaging in

§ 181.27 (21 CFR 181.27), the preamble did not mention acetyl tributyl citrate or acetyl triethyl citrate, which are also listed as prior-sanctioned plasticizers in the same regulation. The comment asked if this omission was intentional, and, if so, objected to this omission and requested that acetyl tributyl citrate and acetyl triethyl citrate be affirmed as prior-sanctioned plasticizers for food-contact materials under § 181.27.

Acetyl tributyl citrate and acetyl triethyl citrate were not mentioned in the proposal because the agency was not proposing to affirm these particular citrate derivatives as GRAS for direct use in human food. The use of monoisopropyl citrate, triethyl citrate, and mono-, di-, and tristearyl citrate as prior-sanctioned plasticizers was mentioned as background information in the preamble to the proposal only because these citrates were among those whose GRAS status for direct food use had been under evaluation and was being affirmed. Accordingly, the agency is not making the requested modification because it is outside the scope of this rulemaking proceeding.

II. Other Actions

In the proposal, FDA had defined isopropyl citrate as "The mono-, di-, and triisopropyl esters of citric acid or any mixture of these esters." Stearyl citrate was defined similarly. However, the agency has found no evidence that mono-, di-, or triisopropyl citrate is commercially available as the single chemical entity; rather, isopropyl citrate is a mixture of the mono-, di-, and triisopropyl esters of citric acid. Similarly, the commercially available form of stearyl citrate is a mixture of the mono-, di-, and tristearyl esters of citric acid. These commercially available mixtures were the substances evaluated in the safety reviews by both the Select Committee and FDA. Therefore, the agency is tentatively revising the definition of isopropyl citrate in § 184.1386(a) to read: "Isopropyl citrate is a mixture of the mono-, di-, and triisopropyl esters of citric acid." The agency is also tentatively revising the definition of stearyl citrate in § 184.1851(a) to read: "Stearyl citrate is a mixture of the mono-, di-, and tristearyl esters of citric acid." Because the wording of the definitions of these two citric acid derivatives in this tentative final rule is different from that which was set forth in the proposal, the agency is inviting comments on this specific modification. Although the definition of isopropyl citrate has been modified, the agency is still not proposing a separate GRAS affirmation regulation for monoisopropyl citrate and is proposing to remove the listing for this ingredient in § 182.6511 (21 CFR 182.6511). Again, this is because the agency has found no evidence that monoisopropyl citrate is commercially available as the single chemical entity, or that it is currently used directly in human food. The regulatory changes for monoisopropyl citrate in this tentative final rule correspond to those in the original proposal, although the underlying reasoning is slightly different.

In the proposal, the agency required that citric acid meet the specifications of the Food Chemicals Codex, 3d ed. (1981). Since the publication of the proposal, the Committee on Food Chemicals Codex of the National Academy of Sciences (the NAS Committee) has amended its specifications for citric acid. These changes have been published in the third supplement to the Food Chemicals Codex, 3d ed. (1991), p. 107. Among the nonsubstantive changes in the third supplement is a change in the units associated with the limits on metal levels from parts per million (ppm) to milligrams per kilogram (mg/kg). The substantive changes include: Reductions in the maximum allowable levels for arsenic and heavy metals (as lead), from 3 ppm to 1 mg/kg (1 ppm) and from 10 ppm to 5 mg/kg (5 ppm), respectively; a modification of the test for arsenic; and inclusion of a maximum allowable lead level of 0.5 mg/kg (0.5 ppm), accompanied by a test method for lead (p. 168), neither of which was included in the previous specification monograph. The agency is tentatively incorporating these changes in the specifications for citric acid in § 184.1033(b). Because the specifications for citric acid in this tentative final rule (arsenic/heavy metals/lead limits and relevant test methods) are different from those set forth in the proposal, the agency is inviting comments on this specific modification.

The agency announced in the **Federal Register** of November 22, 1991 (56 FR 58910), an opportunity for public comment on a proposed revision of the Food Chemicals Codex specifications for triethyl citrate (refractive index) to be published in the fourth edition. The agency is not considering that proposed revision of triethyl citrate specifications with this rule. The adoption of revised specifications from the proposed fourth edition of the Food Chemicals Codex would be the subject of a separate notice of proposed rulemaking, with opportunity for public comment.

In the proposal, FDA stated that it would work with the NAS Committee to develop acceptable specifications for ammonium citrate (dibasic), isopropyl citrate, and stearyl citrate used as direct human food ingredients and would incorporate those specifications into the regulation when they are developed. To date, however, work on the specifications is still incomplete. Therefore, the agency advises that until the specifications are developed, ammonium citrate (dibasic), isopropyl citrate, and stearyl citrate for direct food uses must comply with the descriptions in §§ 184.1140(b), 184.1386(b), and 184.1851(b), respectively, and be of food-grade purity (21 CFR 170.30(h)(1) and 182.1(b)(3)).

Other minor editorial changes have been made to clarify further the intent of the regulations set forth below.

III. Scope of the Tentative Final Rule

FDA is amending the current regulations by removing 21 CFR 182.1033, 182.1195, 182.1625, 182.1751, 182.1911, 182.6033, 182.6195, 182.6386, 182.6511, 182.6625, 182.6751, 182.6851, and 182.8195. The agency is adding 21 CFR 184.1033, 184.1140, 184.1195, 184.1386, 184.1625, 184.1751, 184.1851, and 184.1911.

IV. Environmental Impact

The agency has previously considered the environmental effects of this rule as announced in the proposed rule and published in the **Federal Register** of January 7, 1983 (48 FR 834). No new information or comments have been received that would affect the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

V. Economic Impact

FDA has examined the economic implications of this rule affirming the GRAS status of citric acid and certain citrate derivatives as food ingredients, as required by Executive Orders 12291 and the Regulatory Flexibility Act (Pub. L. 96–354). The agency finds that this tentative final rule is not a major rule as defined by Executive Order 12291. Because no current activity is prohibited by this rule, the agency finds that the compliance cost to firms is zero. Because no increase in the health risks faced by consumers will result from this rule, the total costs are also zero. Potential benefits include the wider use of citric acid and the stipulated citrate derivatives because of reduced uncertainty regarding their GRAS status and the preservation of resources by eliminating the need to prepare further petitions to affirm the GRAS status of

these substances. In accordance with the Regulatory Flexibility Act, FDA has also determined that this rule will not have a significant adverse impact on a substantial number of small businesses. There is no substantial federalism issue which would require an analysis under Executive Order 12612.

VI. Comments

Interested persons may, on or before October 19, 1992, submit to the Dockets Management Branch (address above) written comments regarding the following aspects of this tentative final rule:

(1) The inclusion of the changes published in the third supplement to the Food Chemicals Codex, 3d ed., to the specifications for citric acid in § 184.1033(b); and (2) the revised description of isopropyl citrate in § 184.1386(a) and of stearyl citrate in § 184.1851(a).

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. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects

21 CFR part 182

Food ingredients, Food packaging, Spices and flavorings.

21 CFR part 184

Food ingredients, 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, it is proposed that 21 CFR parts 182 and 184 be amended as follows:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

1. The authority citation for 21 CFR part 182 continues to read as follows:

Authority: Secs. 201, 402, 409, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 371).

2. Section 182.1033 *Citric acid*, § 182.1195 *Calcium citrate*, § 182.1625 *Potassium citrate*, § 182.1751 *Sodium citrate*, § 182.1911 *Triethyl citrate*, § 182.6033 *Citric acid*, § 182.6195 *Calcium citrate*, § 182.6386 *Isopropyl citrate*, § 182.6511 *Monoisopropyl citrate*, § 182.6625 *Potassium citrate*, § 182.6751 *Sodium citrate*, § 182.6851 *Stearyl citrate*, and § 182.8195 *Calcium citrate* are removed.

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

3. The authority citation for 21 CFR part 184 continues to read as follows:

Authority: Secs. 201, 402, 409, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 371).

4. New § 184.1033 is added to subpart B to read as follows:

§ 184.1033 Citric acid.

(a) Citric acid ($C_6H_8O_7$, CAS Reg. No. 77–92–9) is the compound 2-hydroxy-1,2,3-propanetricarboxylic acid. It is a naturally occurring constituent of plant and animal tissues. It occurs as colorless crystals or a white powder and may be anhydrous or contain one mole of water per mole of citric acid. Citric acid may be produced by recovery from sources such as lemon or pineapple juice; by mycological fermentation using Candida spp., described in §§ 173.160 and 173.165 of this chapter; and by the solvent extraction process described in § 173.280 of this chapter for the recovery of citric acid from Aspergillus niger fermentation liquor.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 3d ed. (1981), pp. 86–87, and its third supplement (publication date: March 1992), p. 107, which are incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal Register, 800 North Capitol St. NW., suite 700, Washington, DC.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitations other than current good manufacturing practice.

(d) Prior sanctions for this ingredient different from the uses established in this section do not exist or have been waived.

5. New § 184.1140 is added to subpart B to read as follows:

§ 184.1140 Ammonium citrate, dibasic.

(a) Ammonium citrate, dibasic ($(NH_4)_2HC_6H_5O_7$, CAS Reg. No. 3012–65–5) is the diammonium salt of citric acid. It is prepared by partially neutralizing citric acid with ammonia.

(b) The Food and Drug Administration, in cooperation with the National Academy of Sciences, is developing food-grade specifications for ammonium citrate (dibasic). In the interim, this ingredient must be of a purity suitable for its intended use.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as a flavor enhancer as defined in § 170.3(o)(11) of this chapter and as a pH control agent as defined in § 170.3(o)(23) of this chapter.

(2) The ingredient is used in nonalcoholic beverages as defined in § 170.3(n)(3) of this chapter and in cheeses as defined in § 170.3(n)(5) of this chapter at levels not to exceed current good manufacturing practice.

(d) Prior sanctions for this ingredient different from those uses established in this section, or different from those set forth in part 181 of this chapter, do not exist or have been waived.

6. New § 184.1195 is added to subpart B to read as follows:

§ 184.1195 Calcium citrate.

(a) Calcium citrate ($Ca_3(C_6H_5O_7)_2.4H_2O$, CAS Reg. No. 813–94–5) is the calcium salt of citric acid. It is prepared by neutralizing citric acid with calcium hydroxide or calcium carbonate. It occurs as a fine white, odorless powder and usually contains four moles of water per mole of calcium citrate.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 3d ed. (1981), pp. 49–50, which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal Register, 800 North Capitol St. NW., suite 700, Washington, DC.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as an emulsifier and emulsifier salt as defined in § 170.3(o)(8) of this chapter; a firming agent as defined in § 170.3(o)(10) of this chapter; and a nutrient supplement as defined in § 170.3(o)(20) of this chapter.

(2) The ingredient is used in the following foods at levels not to exceed current good manufacturing practice: Cheeses as defined in § 170.3(n)(5) of

this chapter; fats and oils as defined in § 170.3(n)(12) of this chapter; gelatins and puddings as defined in § 170.3(n)(22) of this chapter; jams and jellies as defined in § 170.3(n)(28) of this chapter; and processed vegetables and vegetable juices as defined in § 170.3(n)(36) of this chapter. Calcium citrate may also be used in infant formula in accordance with section 412(g) of the Federal Food, Drug, and Cosmetic Act (the act) or with regulations promulgated under section 412(a)(2) of the act.

(d) Prior sanctions for this ingredient different from the uses established in this section do not exist or have been waived.

7. New § 184.1386 is added to subpart B to read as follows:

§ 184.1386 Isopropyl citrate.

(a) Isopropyl citrate is a mixture of the mono-, di-, and triisopropyl esters of citric acid. It is prepared by esterifying citric acid with isopropanol.

(b) The Food and Drug Administration, in cooperation with the National Academy of Sciences, is developing food-grade specifications for isopropyl citrate. In the interim, this ingredient must be of a purity suitable for its intended use.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as an antioxidant as defined in § 170.3(o)(3) of this chapter; a sequestrant as defined in § 170.3(o)(26) of this chapter; and a solvent and vehicle as defined in § 170.3(o)(27) of this chapter.

(2) The ingredient is used in margarine in accordance with § 166.110 of this chapter; in nonalcoholic beverages as defined in § 170.3(n)(3) of this chapter; and in fats and oils as defined in § 170.3(n)(12) of this chapter at levels not to exceed current good manufacturing practice.

(d) Prior sanctions for this ingredient different from the uses established in this section, or different from those set forth in part 181 of this chapter, do not exist or have been waived.

8. New § 184.1625 is added to subpart B to read as follows:

§ 184.1625 Potassium citrate.

(a) Potassium citrate ($C_6H_5K_3O_7.H_2O$, CAS Reg. No. 006100–05–6) is the potassium salt of citric acid. It is prepared by neutralizing citric acid with potassium hydroxide or potassium carbonate. It occurs as transparent crystals or a white granular powder, is odorless and deliquescent, and contains one mole of water per mole of potassium citrate.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 3d ed. (1981), p. 242, which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal Register, 800 North Capitol St. NW., suite 700, Washington, DC.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice.

(d) Prior sanctions for this ingredient different from the uses established in this section, or different from those set forth in part 181 of this chapter, do not exist or have been waived.

9. New § 184.1751 is added to subpart B to read as follows:

§ 184.1751 Sodium citrate.

(a) Sodium citrate ($C_6H_5Na_3O_7.2H_2O$, CAS Reg. No. 68–04–2) is the sodium salt of citric acid. It is prepared by neutralizing citric acid with sodium hydroxide or sodium carbonate. The product occurs as colorless crystals or a white crystalline powder. It may be prepared in an anhydrous state or may contain two moles of water per mole of sodium citrate.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 3d ed. (1981), pp. 283–284, which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal Register, 800 North Capitol St. NW., suite 700, Washington, DC.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice.

(d) Prior sanctions for this ingredient different from the uses established in this section, or different from those set forth in part 181 of this chapter, do not exist or have been waived.

10. New § 184.1851 is added to subpart B to read as follows:

§ 184.1851 Stearyl citrate.

(a) Stearyl citrate is a mixture of the mono-, di-, and tristearyl esters of citric acid. It is prepared by esterifying citric acid with stearyl alcohol.

(b) The Food and Drug Administration, in cooperation with the National Academy of Sciences, is developing food-grade specifications for stearyl citrate. In the interim, this ingredient must be of a purity suitable for its intended use.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is used upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as an antioxidant as defined in § 170.3(o)(3) of this chapter; an emulsifier and emulsifier salt as defined in § 170.3(o)(8) of this chapter; a sequestrant as defined in § 170.3(o)(26) of this chapter; and a surface-active agent as defined in § 170.3(o)(29) of this chapter.

(2) The ingredient is used in margarine in accordance with § 166.110 of this chapter; in nonalcoholic beverages as defined in § 170.3(n)(3) of this chapter; and in fats and oils as defined in § 170.3(n)(12) of this chapter at levels not to exceed current good manufacturing practice.

(d) Prior sanctions for this ingredient different from the uses established in this section, or different from those set forth in part 181 of this chapter, do not exist or have been waived.

11. New § 184.1911 is added to subpart B to read as follows:

§ 184.1911 Triethyl citrate.

(a) Triethyl citrate ($C_{12}H_{20}O_7$, CAS Reg. No. 77–93–0) is the triethyl ester of citric acid. It is prepared by esterifying citric acid with ethyl alcohol and occurs as an odorless, practically colorless, oily liquid.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 3d ed. (1981), p. 339, which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal Register, 800 North Capitol St. NW., suite 700, Washington, DC.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the

following current good manufacturing practice conditions of use:

(1) The ingredient is used as a flavoring agent as defined in § 170.3(o)(12) of this chapter; a solvent and vehicle as defined in § 170.3(o)(27) of this chapter; and a surface-active agent as defined in § 170.3(o)(29) of this chapter.

(2) The ingredient is used in foods at levels not to exceed current good manufacturing practice.

(d) Prior sanctions for this ingredient different from the uses established in this section, or different from those set forth in part 181 of this chapter, do not exist or have been waived.

Dated: August 3, 1992.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 92-19804 Filed 8-19-92; 8:45 am]

BILLING CODE 4160-01-F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OAQPS No. CA-12-16-5546; FRL-4196-8]

Approval and Promulgation of Implementation Plans, California State Implementation Plan Revision; Santa Barbara County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: EPA is proposing to approve revisions to the California State Implementation Plan (SIP) adopted by the Santa Barbara County Air Pollution Control District (SBCAPCD) on November 13, 1990. The California Air Resources Board submitted these revisions to EPA on April 5, 1991. The revisions concern SBCAPCD's Rule 330, Surface Coating of Metal Parts and Products, which regulates metal surface coating operations. EPA has evaluated this rule and is proposing to approve it under section 110(k)(3) as meeting the requirements of section 110(a) and part D of the Clean Air Act, as amended in 1990 (CAA or the Act).

DATES: Comments must be received on or before September 21, 1992.

ADDRESSES: Comments may be mailed to: Daniel Meer, Southern California, Arizona Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Copies of the rule revisions and EPA's evaluation report of the rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation, 1219 K Street, Sacramento, CA 95814.

Santa Barbara County Air Pollution Control District, 26 Castilian Drive B-23, Goleta, CA 93117.

FOR FURTHER INFORMATION CONTACT: Christine Vineyard, Southern California, Arizona Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1195, Fax: (415) 744-1076.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 CAA), that includes Santa Barbara County. 43 FR 8964; 40 CFR 81.305. Because the Santa Barbara area was unable to meet the statutory attainment date of December 31,1982, California requested, and EPA approved, an extension of the attainment date to December 31, 1987. 40 CFR 52.238. On May 26, 1988, EPA notified the Governor of California that the above district's portion of the California State Implementation Plan (SIP) was inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Pubic Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. In amended section 182(a)(2)(A) of the CAA, Congress statutorily adopted the requirement that nonattainment areas fix their deficient reasonably available control technology (RACT) rules for ozone and established a deadline of May 15, 1991 for states to submit corrections of those deficiencies.

Section 182(a)(2)(A) applies to areas designated as nonattainment prior to enactment of the amendments and classified as marginal or above as of the date of enactment. It requires such areas to adopt and correct RACT rules pursuant to pre-amended section 172(b) as interpreted in pre-amended guidance.[1] EPA's SIP-Call used that guidance to indicate the necessary corrections for specific nonattainment areas. Santa Barbara County is classified as moderate.[2] Therefore, this area is subject to the RACT fix-up requirement and the May 15, 1991 deadline.

The State of California submitted many revised RACT rules for incorporation into its SIP on April 5, 1991, including the rule being acted on in this notice. This notice addresses EPA's proposed action for SBCAPCD's Rule 330, Surface Coating of Metal Parts and Products. This submitted rule was found to be complete on May 21, 1991 pursuant to EPA's completeness criteria adopted on February 16, 1990 (55 FR 5830) and set forth in 40 CFR part 51 appendix V[3] and is being proposed for approval into the SIP.

Rule 330 regulates the emission of volatile organic compounds (VOCs) from metal surface coating operations. VOCs contributed to the production of ground level ozone and smog. The rule was adopted as part of SBCAPCD's efforts to achieve the National Ambient Air Quality Standard (NAAQS) for ozone and in response to EPA's SIP-Call and the section 182(a)(2)(A) CAA requirement. The following is EPA's evaluation and proposed action for this rule.

EPA Evaluation and Proposed Action

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for today's action, appears in the various EPA policy guidance documents listed in footnote 1. Among those provisions is the requirement that a VOC rule must, at a minimum, provide for the implementation of RACT for stationary sources of VOC emissions. This requirement was carried forth from the pre-amended Act.

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[1] Among other things, the pre-amendment guidance consists of those portions of the proposed Post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to appendix D of November 24, 1987 **Federal Register** Notice" (Blue Book) (notice of availability was published in the **Federal Register** on May 25, 1988), and the existing control technique guidelines (CTGs).

[2] Santa Barbara County Air Pollution Control District was redesignated nonattainment and classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 55 FR 56694 (November 6, 1991).

[3] EPA has since adopted completeness criteria pursuant to section 110(k)(1)(A) of the CAA. See 56 FR 42216 (August 26, 1991).