

waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

VI. Reference

The following reference has been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Memorandum from M. DiNovi, Chemistry Review Branch, CFSAN, FDA, to P. Hansen, Biotechnology Policy Branch, CFSAN, FDA, dated April 28, 1994.

List of Subjects in 21 CFR Part 172

Food additives, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 172 is amended as follows:

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

1. The authority citation for 21 CFR part 172 continues to read as follows:

Authority: Secs. 201, 401, 402, 409, 701, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 342, 348, 371, 379e).

2. Section 172.800 is amended by adding new paragraph (c)(12) to read as follows:

§ 172.800 Acesulfame potassium.

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(c) * * *

(12) Alcoholic beverages.

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Dated: April 24, 1995.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 95-10897 Filed 5-2-95; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 95-5-6924; FRL-5190-8]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Mojave Desert Air Quality Management District and San Bernardino County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing the approval of revisions to the California State Implementation Plan (SIP) proposed in the **Federal Register** on January 19, 1995. The revisions concern rules from the Mojave Desert Air Quality Management District (MDAQMD) and the San Bernardino County Air Pollution Control District (SBCAPCD). This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The revised rules control VOC emissions from the loading, transfer, and storage of organic liquids, including gasoline. Thus, EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

EFFECTIVE DATE: This action is effective on June 2, 1995.

ADDRESSES: Copies of the rules and EPA's evaluation report for each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rules are available for inspection at the following locations:

Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency, Air Docket (6102), 401 "M" Street, S.W., Washington, D.C. 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95814.

Mojave Desert Air Quality Management District (formerly San Bernardino County APCD), 15428 Civic Drive,

Suite 200, Victorville, CA 92392-2383.

FOR FURTHER INFORMATION CONTACT: Duane F. James, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901, Telephone: (415) 744-1191.

SUPPLEMENTARY INFORMATION:

Background

On January 19, 1995, in 60 FR 3794, EPA proposed to approve the following rules into the California SIP: MDAQMD's Rule 461, "Gasoline Transfer and Dispensing," and Rule 462, "Organic Liquid Loading," and SBCAPCD's Rule 463, "Storage of Organic Liquids" (the NPRM). Rules 461 and 462 were adopted by MDAQMD on May 25, 1994, and Rule 463 was adopted by SBCAPCD on November 2, 1992. These rules were submitted by the California Air Resources Board to EPA on January 11, 1993 (Rule 463) and July 13, 1994 (Rules 461 and 462). These rules were submitted in response to EPA's 1988 SIP-Call and the CAA section 182(a)(2)(A) requirement that nonattainment areas fix their reasonably available control technology (RACT) rules for ozone in accordance with EPA guidance that interpreted the requirements of the pre-amendment Act. A detailed discussion of the background for each of the above rules and nonattainment areas is provided in the NPRM cited above.

EPA has evaluated all of the above rules for consistency with the requirements of the CAA and EPA regulations and EPA interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the NPRM cited above. EPA has found that the rules meet the applicable EPA requirements. A detailed discussion of the rule provisions and evaluations has been provided in the NPRM and in technical support documents available at EPA's Region IX office, dated July 14, 1994 (Rule 463) and August 26, 1994 (Rules 461 and 462).

Response to Public Comments

A 30-day public comment period was provided in the NPRM. EPA received no comments on Rules 461, 462, and 463.

EPA Action

EPA is finalizing action to approve the above rules for inclusion into the California SIP. EPA is approving the submittal under section 110(k)(3) as meeting the requirements of section 110(a) and Part D of the CAA. This

approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of VOCs in accordance with the requirements of the CAA.

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

Regulatory Process

The OMB has exempted this action from review under Executive Order 12866.

List of Subjects in 40 CFR Part 52

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

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

Dated: April 6, 1995.

Nora L. McGee,

Acting Regional Administrator.

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

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401-7671q.

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c) (191)(i)(C) and (198)(i)(E) to read as follows:

52.220 Identification of plan.

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(c) * * *

(191) * * *

(i) * * *

(C) San Bernardino County Air Pollution Control District.

(I) Rule 463, adopted on November 2, 1992.

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(198) * * *

(i) * * *

(E) Mojave Desert Air Quality Management District.

(I) Rules 461 and 462, adopted on May 25, 1994.

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[FR Doc. 95-10816 Filed 5-2-95; 8:45 am]

BILLING CODE 6560-50-W

40 CFR Part 52

[WA25-1-6520a; FRL-5190-1]

Approval and Promulgation of Implementation Plans: Washington

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: Environmental Protection Agency (EPA) is approving in part, disapproving in part, and taking no action on the Regulations of the Southwest Air Pollution Control Authority (SWAPCA) for the control of air pollution in Clark, Cowlitz, Lewis, Skamania, and Wahkiakum Counties, Washington, as revisions to the Washington State Implementation Plan (SIP). These Regulations were submitted by the Director of the Washington State Department of Ecology (WDOE) on April 11, 1994. In accordance with Washington statutes, SWAPCA rules must be at least as stringent as the WDOE statewide rules.

DATES: This action will be effective on July 3, 1995 unless adverse or critical comments are received by June 2, 1995. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments should be addressed to: Montel Livingston, SIP Manager, Air Programs Branch (AT-082), EPA, Docket # WA25-1-6520, 1200 Sixth Avenue, Seattle, Washington 98101.

Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, EPA, 401 M Street, SW, Washington, D.C. 20460. Copies of material submitted to EPA may be examined during normal business hours at the following locations: EPA, Region 10, Air Programs Branch, 1200 Sixth Avenue (AT-082), Seattle, Washington 98101, and Washington Department of Ecology, PO Box 47600, Olympia, Washington 98504.

FOR FURTHER INFORMATION CONTACT: Kelly McFadden, Air Programs Branch (AT-082), EPA, Region 10, Seattle, Washington 98101, (206) 553-1059.

SUPPLEMENTARY INFORMATION:

I. Background

On April 11, 1994, the Director of WDOE submitted to EPA Region 10 regulations for SWAPCA affecting Clark, Cowlitz, Lewis, Skamania, and Wahkiakum Counties. SWAPCA and WDOE held joint public hearings on June 15, 1993 and September 21, 1993, to receive public comments on the revisions to SWAPCA's rules and the submittal to EPA as a revision to the Washington SIP.

SWAPCA requested that the WDOE submit these additions to EPA for incorporation into the Washington SIP.

II. Description of Plan Revisions

The SWAPCA amendments submitted by WDOE on April 11, 1994 for inclusion into the Washington SIP are local air pollution regulations which are at least as stringent as the statewide rules of the WDOE. EPA is approving in part, disapproving in part, and taking no action on the various portions of SWAPCA's submitted regulations. In this rulemaking, EPA is approving the following sections, except as noted, adopted by SWAPCA on September 21, 1993 under SWAPCA Regulation 400, General Regulations for Air Pollution Sources, as a revision to the Washington SIP:

- 400-010 Policy and Purpose
- 400-020 Applicability
- 400-030 Definitions, except the second sentences of (14) and (43)
- 400-040 General Standards for Maximum Emissions, except (1) (c) and (d), (2), (4), and the exception provision of (6)(a)
- 400-050 Emission Standards for Maximum Emissions, except the exception provision in (3)
- 400-052 Stack Sampling of Major Combustion Sources
- 400-060 Emission Standards for General Process Units
- 400-070 Emission Standards for Certain Source Categories, except (7)
- 400-081 Startup and Shutdown
- 400-090 Voluntary Limits on Emissions
- 400-100 Registration and Operating Permits, except the first sentence of (3) (a)(iv), (a)(v) and (5)
- 400-101 Sources Exempt From Registration Requirements
- 400-105 Records, Monitoring and Reporting
- 400-107 Excess Emissions
- 400-110 New Source Review
- 400-112 Requirements for New Sources in Nonattainment Area
- 400-113 Requirements for New Sources in Attainment or Nonclassifiable Areas