

Monday through Friday. No comments were received during the 30-day comment period specified in the filing notice for comments on the environmental assessment submitted with the petition.

Any person who will be adversely affected by this regulation may at any time on or before March 16, 1998, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a 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.

List of Subjects

21 CFR Part 172

Food additives, Reporting and recordkeeping requirements.

21 CFR Part 173

Food additives.

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, 21 CFR parts 172 and 173 are 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: 21 U.S.C. 321, 341, 342, 348, 371, 379e.

§ 172.824 [Amended]

2. Section 172.824 *Sodium mono- and dimethyl naphthalene sulfonates* is amended by removing paragraph (b)(3).

PART 173—SECONDARY DIRECT FOOD ADDITIVES PERMITTED IN FOOD FOR HUMAN CONSUMPTION

3. The authority citation for 21 CFR part 173 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348.

4. Section 173.315 is amended by revising the section heading; by removing from the introductory text the word "lye;" by amending the table in paragraph (a)(2) by revising the entries for "Polyacrylamide," "Potassium bromide," and "Sodium hypochlorite;" and the entry for Sodium mono- and dimethyl naphthalene sulfonates * * * is amended by removing the hyphen in "di-methyl" under the "Substances" column; by redesignating paragraph (a) (3) as paragraph (a) (4) and by adding a new paragraph (a) (3); by amending the first sentence of newly redesignated paragraph (a) (4) by removing "(a) (3)" and adding in its place "(a)(4);" and by revising paragraph (c) to read as follows:

§ 173.315 Chemicals used in washing or to assist in the peeling of fruits and vegetables.

* * * * *

(a) * * *

(2) * * *

Substances	Limitations
* * * * *	* * * * *
Polyacrylamide	Not to exceed 10 parts per million in wash water. Contains not more than 0.2 percent acrylamide monomer. May be used in the washing of fruits and vegetables.
Potassium bromide	May be used in the washing or to assist in the lye peeling of fruits and vegetables.
* * * * *	* * * * *
Sodium hypochlorite	May be used in the washing or to assist in the lye peeling of fruits and vegetables.

(3) Sodium mono- and dimethyl naphthalene sulfonates (mol. wt. 245-260) may be used in the steam/scald vacuum peeling of tomatoes at a level not to exceed 0.2 percent in the condensate or scald water.

* * * * *

(4) The use of the chemicals listed under paragraphs (a) (1), (a) (2), and (a) (4) is followed by rinsing with potable water to remove, to the extent possible, residues of the chemicals.

* * * * *

Dated: February 2, 1998.

L. Robert Lake,
 Director, Office of Policy, Planning and Strategic Initiatives, Center for Food Safety and Applied Nutrition.

[FR Doc. 98-3497 Filed 2-11-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 155

[USCG 98-3417] — /

RIN 2115-AF60

Salvage and Firefighting Equipment; Vessel Response Plans

AGENCY: Coast Guard, DOT.

ACTION: Final rule; partial suspension of regulation.

SUMMARY: Current vessel response plan regulations require that the owners or operators of vessels carrying groups I through V petroleum oil as a primary cargo identify in their response plans a salvage company with expertise and equipment, and a company with firefighting capability that can be deployed to a port nearest to the vessel's operating area within 24 hours of notification (Groups I-IV) or a discovery of a discharge (Group V). Numerous requests for clarification revealed widespread misunderstanding and confusion regarding the regulatory language, which will make the implementation of this requirement difficult. Based on comments received after the vessel response plan final rule publication (61 FR 1052; January 12, 1996) and during a Coast Guard hosted workshop, the Coast Guard intends to better define expertise and equipment requirements and will reconsider the 24-hour deployment requirement scheduled to take effect on February 18, 1998. The Coast Guard has determined that there is not adequate time to address these issues before February, 1998. Therefore, the Coast Guard is suspending the effective dates of the deployment requirements as published in the final rule.

DATES: This suspension is effective as of February 12, 1998. Termination of the suspension will be on February 12, 2001.

ADDRESSES: You may mail comments to the Docket Management Facility, (USCG-98-34 17), U.S. Department of Transportation (DOT), room PL-40 1, 400 Seventh Street S.W., Washington, D.C. 20590-0001, or deliver them to room PL-40 1, located on the Plaza Level of the Nassif Building at the same address between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

The Docket Management Facility maintains the public docket for this rulemaking. Comments, and documents as indicated in this preamble, will become part of this docket and will be available for inspection or copying at room PL-401, located at the Plaza Level of the Nassif Building at the above address between 10 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. You may electronically access the public docket for this rulemaking on the internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: For information on the public docket, contact Carol Kelley, Coast Guard Dockets Team Leader, or Paulette Twine, Chief, Documentary Services Division, U.S. Department of

Transportation, telephone 202-366-9329. For information concerning the final rule partial suspension of regulation, contact LCDR John Caplis, Project Manager, Office of Response (G-MOR), at 202-267-6922; e-mail: jcaplis@comdt.uscg.mil. This telephone is equipped to record messages on a 24-hour basis.

SUPPLEMENTARY INFORMATION:

Regulatory History

The regulatory history for this rulemaking is recounted in the preamble of the final rule entitled "Vessel Response Plans" (61 FR 1052, January 12, 1996).

Reason for Suspension

Regulations found in 33 CFR 155 require vessel owners and operators to identify salvage and firefighting resources in their response plans. No specific response times were mandated for these resources due to concerns over the capacity of these resources that existed in the United States in 1993. However, under the final rule, vessel response plans submitted (or resubmitted) for approval after February 18, 1998, must identify salvage and firefighting resources capable of being deployed to the port nearest to the vessel's operating area within 24 hours of notification.

The regulations allow vessel owners and operators to determine their salvage and firefighting response needs, and to arrange for the appropriate level of resources. To promote planning consistency throughout the United States regarding the adequacy of salvage and firefighting resources, the Coast Guard hosted a public workshop in August 1997 with the Maritime Association of the Port of New York/New Jersey. This workshop solicited comments from the public regarding the current requirements for salvage and firefighting resources. Considerable differences in opinion and requests for clarification were voiced by vessel owners and/or operators, salvage and firefighting contractors, maritime associations, and governmental agencies with respect to the proper interpretation of these requirements. The numerous requests for clarification revealed widespread misunderstanding and confusion regarding the regulatory language, which will make the implementation of the requirement difficult.

Based on comments received during the workshop, the Coast Guard has determined that it should better define the key elements within the requirements. Regulatory language such as "a salvage company with expertise

and equipment" or "firefighting capability" must be further specified before the Coast Guard will implement or expect vessel owners or operators to comply with any related time requirements. Therefore, the Coast Guard is suspending its February 18, 1998, requirement that "identified salvage and firefighting resources must be capable of being deployed to the port nearest to the area in which the vessel operates within 24 hours of notification" for plans that are submitted (or resubmitted) for approval after that time. As follow-on to the August 1997 workshop and other efforts, the Coast Guard is continuing to review the salvage and marine firefighting capabilities within the United States and its territories. The Coast Guard intends to conduct a regulatory initiative in 1998 to further define the salvage and firefighting requirements and address the issues raised at the August 1997 workshop. Any additional requirements will be published in the **Federal Register** and will not become effective until 90 days after publication of a notice reporting the determinations of the Coast Guard.

Regulatory Process Considerations

Although the final rule published in 1996 was a significant regulatory action under section 3(f) of Executive Order 12866, the Office of Management and Budget (OMB) does not consider this partial suspension of the final rule as a significant action. This action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) and 1996 amendments (enacted as Chapter 8 of Title 5, U.S. Code) because the original requirements did not have a significant effect on a substantial number of small entities, and this suspension does not change those requirements. Any future regulatory action on this issue will address any economic impacts, including impacts on small business. This action does not affect any requirements under section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This action is not an unfunded mandate under the Unfunded Mandates Reform Act (Pub. L. 104-4).

Numerous requests for clarification revealed widespread misunderstanding and confusion regarding the regulatory language, which will make the implementation of the requirement difficult. The partial suspension will relieve the affected industry from complying until regulations can be drafted more thoroughly addressing this requirement. The Coast Guard finds good cause under 5 U.S.C. 553(b) that

notice and comment on the suspension are impracticable and contrary to the public interest. Because the section otherwise becomes effective on February 18, 1998, there is good cause under 5 U.S.C. 553(d)(3) for the final rule to be effective on the date of publication in the **Federal Register**.

List of Subjects in 33 CFR Part 155

Hazardous substances, Incorporation by reference, oil pollution, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 155 as follows:

PART 155—OIL OR HAZARDOUS MATERIAL POLLUTION PREVENTION REGULATIONS FOR VESSELS

1. The authority citation for part 155 continues to read as follows:

Authority: 33 U.S.C. 1231, 1321(j); 46 U.S.C. 3715; sec. 2, E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

§§ 155.100-155.130, 155.350-155.400, 155.430, 155.440, 155.470, 155.1030 (j) and (k), and 155.1065(g) also issued under 33 U.S.C. 1903(b); and §§ 155.110-155.1150 also issued 33 U.S.C. 2735.

§ 155.1050 [Amended]

2. In § 155.1050, paragraph (k)(3) is suspended from February 12, 1998, until February 12, 2001.

§ 155.1052 [Amended]

3. In § 155.1052, the last sentence in paragraph (f) is suspended from February 12, 1998, until February 12, 2001.

Dated: February 6, 1998.

Joseph J. Angelo,

Acting Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 98-3564 Filed 2-11-98; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 12

[TX76-1-7378; FRL-5966-7]

Expiration of Extension of Temporary Section 182(f) and Section 182(b) Exemption From the Nitrogen Oxides (NO_x) Control Requirements for the Houston/Galveston and Beaumont/Port Arthur Ozone Nonattainment Areas; Texas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Expiration of temporary exemption.

SUMMARY: In this action, EPA is informing the public that the extension of the temporary exemption from the NO_x control requirements of sections 182(f) and 182(b) of the Clean Air Act (the Act) for the Houston/Galveston (HGA) and Beaumont/Port Arthur (BPA) ozone nonattainment areas expired December 31, 1997. The State of Texas decided not to petition for a further exemption on November 24, 1997. The State must now begin expeditious implementation of NO_x Reasonably Available Control Technology (RACT), New Source Review (NSR), Vehicle Inspection/Maintenance (I/M), and conformity requirements.

DATES: Effective February 12, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Herbert R. Sherrow, Jr., Air Planning Section (6PD-L), Multimedia Planning and Permitting Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202. The telephone number is 214-665-7237.

SUPPLEMENTARY INFORMATION:

I. Background

On August 17, 1994, the Texas Natural Resource Conservation Commission (TNRCC) submitted to EPA a petition pursuant to section 182(f) which requested that the HGA and BPA nonattainment areas be temporarily exempted by EPA from the NO_x control requirements of section 182(f) of the Act. The State based its petition on the use of an Urban Airshed Modeling (UAM) demonstration showing, pursuant to EPA guidelines, that NO_x reductions would not contribute to attainment in either area because the decrease in ozone concentrations resulting from Volatile Organic Compounds (VOC) reductions alone is equal to or greater than the decrease obtained from NO_x reductions or a combination of VOC and NO_x reductions. The petition for the temporary exemption was approved by EPA and published at 60 FR 19515 (April 19, 1995). For a more detailed discussion of the basis of EPA's approval of this temporary exemption, the reader is referred to this notice.

On March 6, 1996, the State of Texas submitted a petition to EPA which requested that the HGA and BPA nonattainment areas be granted an extension to the temporary exemption from December 31, 1996, to December 31, 1997. The State based its petition on needing additional time to complete further UAM modeling using data from the Coastal Oxidant Assessment for Southeast Texas (COAST) study.

Also submitted with the petition was a revision to previously-adopted NO_x RACT rules (30 Texas Air Control (TAC) 117) which extended the compliance date from May 31, 1997, to May 31, 1999. The State first submitted the NO_x RACT rules to EPA on December 16, 1993.

A revision to the Texas (Nonattainment) New Source Review rule (30 TAC section 116.150), adopted on October 11, 1995, temporarily extended the suspension of the NO_x NSR requirements in HGA and BPA through December 31, 1997. This rule revision was submitted to EPA on November 1, 1995, and was not resubmitted with the petition.

On May 23, 1997, EPA approved the petition for a one-year extension of the temporary exemption of the 182 (f) and 182(b) NO_x requirements for the HGA and BPA areas (62 FR 28344) from December 31, 1996, to December 31, 1997, and an extension of the NO_x RACT compliance date until May 31, 1999.

The extension to the temporary exemption expired on December 31, 1997.

II. State's Implementation Requirements

Since the extension of the temporary exemption expired on December 31, 1997, the State is required, according to EPA's approval of the petition for the extension of the temporary exemption, to begin implementing the State's NO_x RACT, NSR, I/M, general and transportation conformity requirements, with NO_x RACT compliance required as expeditiously as practicable but no later than May 31, 1999. Other specific requirements that would become applicable upon expiration are: (1) Any NSR permits that had not been deemed complete prior to January 1, 1998, must comply with the NO_x NSR requirements, consistent with the policy set forth in the EPA's NSR Supplemental Guidance memo dated September 3, 1992, from John Seitz, Director, EPA's Office of Air Quality Planning and Standards; (2) any conformity determination (for either a new or revised transportation plan and Transportation Improvement Program) made after January 1, 1998, must comply with the NO_x conformity requirements; and (3) any I/M vehicle inspection made after January 1, 1998, must comply with the I/M NO_x requirements.

III. State's Implementation Plans

In a letter from Mr. Barry R. McBee, Chairman, TNRCC, to Mr. Jerry Clifford, Acting Regional Administrator, EPA