Dated: August 9, 1999.

L. Robert Lake,

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

[FR Doc. 99–21079 Filed 8–13–99; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 178

[Docket No. 98F–0570]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of chrome antimony titanium buff rutile (C.I. Pigment Brown 24) as a colorant for polymers intended for use in contact with food. This action responds to a petition filed by BASF Corp.

DATES: This regulation is effective August 16, 1999; written objections and requests for a hearing by September 15, 1999.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3081.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of July 23, 1998 (63 FR 39582), FDA announced that a food additive petition (FAP 8B4608) had been filed by BASF Corp., 3000 Continental Dr. North, Mt. Olive, NJ 07828–1234. The petition proposed to amend the food additive regulations to provide for the safe use of chromium antimony titanium buff rutile (C.I. Pigment Brown 24) as a colorant for polymers intended for use in contact with food.

During the review of the petition, it was determined that the correct nomenclature for the colorant, in consonance with the Chemical Abstract Services Registry No. (68186–90–3), is chrome antimony titanium buff rutile. Accordingly, the colorant is listed correctly in the codified section of this document.

FDA has evaluated the data in the petition and other relevant material. Based on this information, the agency concludes that the proposed use of the additive is safe, that the additive will achieve its intended technical effect, and therefore, that the regulations in 21 CFR 178.3297 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously considered the environmental effects of this rule as announced in the Notice of Filing for FAP 8B4608 (63 FR 39582). 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.

This final rule contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

Any person who will be adversely affected by this regulation may at any time on or before September 15, 1999, 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 in 21 CFR Part 178

Food additives, Food packaging.

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 part 178 is amended as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for 21 CFR part 178 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348, 379e.

2. Section 178.3297 is amended in the table in paragraph (e) by alphabetically adding an entry under the headings ''Substances'' and ''Limitations'' to read as follows:

§ 178.3297 Colorants for polymers.

* * * * *

(e) * * *

Substances	Limitations
* * *	* * * *
Chrome antimony titanium buff rutile (C.I. Pigment Brown 24, CAS Reg. No. 68186–90–3).	For use at levels not to exceed 1 percent by weight of polymers. The finished articles are to contact food only under conditions of use B through H as described in Table 2 of § 176.170(c) of this chapter.
* * * *	* * * *

Dated: August 9, 1999.

L. Robert Lake,

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

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MN 48–01–7273a; FRL–6416–8]

Approval and Promulgation of State Implementation Plan; Minnesota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: We are approving a December 31, 1998, request from the Minnesota Pollution Control Agency (MPCA) for new air pollution control requirements for the Minnesota sulfur dioxide (SO_2) State Implementation Plan (SIP) for Marathon Ashland Petroleum LLC (Marathon). These requirements were submitted in the form of an Administrative Order (Order) and include revisions associated with the addition of a new stack, revised emission limits for numerous sources, and other changes. The revisions result in an overall decrease in allowable SO_2 emissions from the facility. The new requirements have been evaluated through a computerized modeling analysis and have shown that they will attain and maintain the National Ambient Air Quality Standard (NAAQS) for SO_2.

DATES: This direct final rule is effective on October 15, 1999, without further notice, unless we receive relevant adverse written comments by September 15, 1999. If we receive adverse comments, we will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that this rule will not take effect.

ADDRESSES: Send written comments to: Carlton T. Nash, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604. You may inspect copies of the documents relevant to this action during normal business hours at the following location: Regulation Development Section, Air Programs Branch, (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

Please contact Randall Robinson at (312) 353–6713 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Randall Robinson, Meteorologist, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–6713.

SUPPLEMENTARY INFORMATION: This Supplementary Information section is organized as follows:

I. Introduction

What Action Is EPA Taking Today?

In this action, we are approving a revision to the Minnesota SO_2 SIP for Marathon. The revision is referred to as Amendment Four and amends the Order for Marathon to reflect revisions associated with the addition of a new stack and revised emission limits for numerous sources. Other changes included in Amendment Four are discussed later in this document and more fully in the technical review document.

Who Is Affected by This Revision?

The revision to Minnesota's SIP for SO_2 is site-specific and, thus, only affects Marathon.

What Information Did the State Submit In Its Request?

On December 31, 1998, the Minnesota Pollution Control Agency (MPCA) submitted to EPA a site-specific SO_2 SIP revision request for Marathon. The SIP revision for Marathon was submitted in the form of an Order amendment, and referred to as Amendment Four. Amendment Four revises the present Order for Marathon and replaces prior amendments, Amendment Two and Three, by incorporating changes in response to EPA comments on Amendment Two and Amendment Three. The MPCA had previously submitted Amendment Two and Amendment Three to EPA on November 26, 1996, and October 17, 1997, respectively. EPA provided comments to MPCA regarding Amendment Two and Amendment Three, but did not take any other action on those amendments to the administrative order.

The 30-day public notice for the Order amendment, Amendment Four, appeared in the St. Paul Pioneer Press on March 4, 1998. No one from the public commented on the proposed revisions or requested a public hearing.

What Are the National Ambient Air Quality Standards?

The EPA has established concentration levels for each of six pollutants, called criteria pollutants, that are protective of human health (primary standard) and welfare (secondary standard). The primary NAAQS for SO_2 is 0.03 parts per million (ppm) annual arithmetis mean, and 0.14 ppm maximum 24-hour average concentration, not to be exceeded more than once per calendar year. The secondary NAAQS for SO_2 is 0.50 ppm maximum 3-hour average concentration, not to be exceeded more than once per calendar year. See 40 CFR 50.4.

What Is an Administrative Order?

Each state is obligated by section 110(a) of the Act, 42 U.S.C. 7410, to develop a plan which provides for ''implementation, maintenance, and enforcement'' of the NAAQS promulgated by EPA. An Order is a mechanism which the state uses to enforce applicable requirements established either by State or Federal law. The Orders are used to enforce requirements needed to meet the applicable NAAQS.

How Did the State Support Its Request for Marathon?

The MPCA provided EPA with a computerized modeling attainment demonstration. The modeling analysis was required to evaluate whether the air impacts from the proposed revisions will still provide for attainment of the NAAQS for SO_2. Details of the analysis are presented below.

Air Quality Model

The analysis utilized the Industrial Source Complex Model-Short Term (ISCST3) model. (The Integrated Gaussian Model (IGM), which has been demonstrated to be equivalent to ISCST3, was used to obtain source contributions.) ISCST3 is recommended for regulatory applications for estimating short-term impacts from complicated sources (i.e., sources with special problems such as aerodynamic downwash). The ISCST3 model also contains the COMPLEX–I algorithms