and (b)(3)(i) through (b)(3)(iii) of this section.

* * * * *

Dated: February 9, 1995.

Robert C. Livingston,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 95–4912 Filed 2–28–95; 8:45 am]

BILLING CODE 4160–01–F

21 CFR Part 558

Animal Drugs, Feeds, and Related Products; Melengestrol Acetate and Tylosin

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by The Upjohn Co. The supplemental NADA provides for use of single ingredient Type A medicated articles containing melengestrol acetate (MGA) and tylosin to manufacture certain combination drug Type B and Type C medicated feeds for heifers fed in confinement for slaughter. The supplement provides for use of a dry MGA Type A article to make a dry Type B or Type C medicated feed.

EFFECTIVE DATE: March 1, 1995.

FOR FURTHER INFORMATION CONTACT: Jack Caldwell, Center for Veterinary Medicine (HFV–126), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1638.

SUPPLEMENTARY INFORMATION: The Upjohn Co., Kalamazoo, MI 49001, filed supplemental NADA 138–995, MGA with Tylan (MGA with tylosin), which provides for use of approved MGA and tylosin Type A medicated articles to make Type B and Type C medicated feeds for heifers being fed in confinement for slaughter. The supplement removes the requirement for making dry pelleted Type B or C medicated feed. Therefore, dry MGA and tylosin Type A articles may be used to make a dry Type B or C medicated feed containing MGA and tylosin.

This supplement is approved as of January 13, 1995. Accordingly, 21 CFR 558.342(c)(4)(ii)(C) is amended by removing the existing reference to a pelleted medicated feed to reflect this approval.

This is a manufacturing supplement to an approved NADA. Approval of this supplement does not require added safety or efficacy data or information. Therefore, a freedom of information summary as provided in part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) is not required.

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(iii)), this supplement for food-producing animals does not qualify for marketing exclusivity because the supplement does not contain new clinical or field investigations (other than bioequivalence or residue studies) and new human food safety studies (other than bioequivalence or residue studies) essential to the approval and conducted or sponsored by the applicant.

The agency has determined under 21 CFR 25.24(d)(1)(iii) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: Secs. 512, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b, 371).

§ 558.342 [Amended]

2. Section 558.342 *Melengestrol acetate* is amended in paragraph (c)(4)(ii)(C) by removing the word ''pelleted''.

Dated: February 9, 1995.

Robert C. Livingston,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 95–4913 Filed 2–28–95; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8578]

RIN 1545–AP23

Election Out of Subchapter K for Producers of Natural Gas; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

SUMMARY: This document contains a correction to final regulations [TD 8578] which was published in the **Federal Register** for Friday, December 23, 1994 (59 FR 66181). The final regulations provide that the co-producers under a joint operating agreement must use one of two permissible methods described in the regulations in reporting income from gas sales and certain related deductions and credits.

EFFECTIVE DATE: January 1, 1995.

FOR FURTHER INFORMATION CONTACT: Grace Kim, (202) 622–3060 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of this correction are under section 761 of the Internal Revenue Code.

Need for Correction

As published, TD 8578 contains a typographical error that is in need of correction.

Correction of Publication

Accordingly, the publication of the final regulations which is the subject of FR Doc. 94–31291, is corrected as follows:

On page 66183, column 2, § 1.761–2, paragraph (d)(2)(i), ninth line from the bottom of the paragraph, regulation section ''§ 1.4461(e)(3)'' is corrected to read ''§ 1.446–1(e)(3)''.

Cynthia E. Grigsby,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 95–4902 Filed 2–28–95; 8:45 am]

BILLING CODE 4830–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[FRL–5130–5]

State of Tennessee, Metropolitan Government of Nashville and Davidson County; Request for Approval of Section 112(l) Authority for Hazardous Air Pollutants; Perchloroethylene Air Emission Standards From Dry Cleaning Facilities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The State of Tennessee, Metropolitan Government of Nashville and Davidson County has applied for approval of its Regulation No. 4, Section 4–10, Regulations for Hazardous Air Pollutants; Perchloroethylene Air Emission Standards From Dry Cleaning Facilities under section 112(l) of the Clean Air Act (CAA). The Environmental Protection Agency (EPA) has reviewed the application and has made the decision that it satisfies all of the requirements necessary to qualify as a complete submittal. Thus, the Metropolitan Government of Nashville and Davidson County's Regulation No. 4, Section 4–10, should be implemented and enforced in place of EPA's 40 CFR part 63, subpart M.

DATES: This action will be effective on April 17, 1995, unless adverse or critical comments are received by March 31, 1995. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments should be sent concurrently to Douglas Neeley, Region 4 EPA, Air Programs Branch, 345 Courtland St. NE., Atlanta, GA 30365, Phone: (404) 347–3555 and to Mr. Paul Bontrager, Bureau of Environmental Health Services, Metropolitan Government of Nashville and Davidson County, 311 23rd Avenue, North, Nashville, Tennessee 37203, Phone: (615) 340–5653. Copies of Metropolitan Government of Nashville and Davidson County's submittal are available during normal business hours at the following addresses for inspection and copying:

Bureau of Environmental Health Services Metropolitan Government of Nashville and Davidson County, 311 23rd Avenue, North, Nashville, Tennessee;

U.S. EPA Headquarters Library, PM 211A, 401 M Street, SW., Washington, DC 20460, Phone: 202/382–5926; and

U.S. EPA Region 4, Regional Library, 345 Courtland St. NE., Atlanta, GA 30365, Phone number: (404) 347–3555, X6050.

FOR FURTHER INFORMATION CONTACT: Anthony Toney, Region 4 EPA, Air Programs Branch, 345 Courtland St. NE., Atlanta, GA 30365, Phone: (404) 347–3555, ext. 4200.

SUPPLEMENTARY INFORMATION:

A. Background

Section 112(l) of the Clean Air Act as amended in 1990, enables the EPA to approve state air toxic programs or rules to operate in place of the Federal air toxic program. Approval is granted by the EPA if the Agency finds that the state program or rule: (1) Is ''no less stringent'' than the corresponding Federal rule or program, (2) provides adequate authority and resources, (3) schedule for implementation and compliance is sufficiently expeditious, and (4) is otherwise in compliance with Federal guidance.

B. This is an initial request for delegation under the provisions of 40 CFR part 63, subpart E. No previous delegation of rules or regulations pursuant to title III of the Clean Air Act has been approved.

The changes from the federal rule, 40 CFR part 63, subpart M, are: (1) The lowering of a required emission rate; (2) An increase in the frequency of required monitoring; and (3) A decrease in the amount of time allowed for a source to come into compliance. These changes occur in subsections 4–10(b)(23); 4–10(c)(10); and 4–10(a) of the Metropolitan Government of Nashville and Davidson County's Regulation No. 4.

EPA is approving the Metropolitan Government of Nashville and Davidson County's air toxics Regulation No. 4, Section 4–10, as a direct final rule without prior proposal because the Agency views this as a noncontroversial delegation request and anticipates no adverse comments. If no adverse comments are received in response to this direct final rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent action. Any parties interested in commenting on this action should do so at this time.

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Incorporation by reference, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of Title III of the Clean Air Act as amended, 42 U.S.C. 2399.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 95–5024 Filed 2–28–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 180

[PP1F3989, 1F3995/R2109; FRL–4938–3]

RIN 2070–AB78

Pesticide Tolerances for Fenbuconazole

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes time-limited tolerances for combined residues of the fungicide fenbuconazole [*alpha*-[2-(4-chlorophenyl)-ethyl]-*alpha*-phenyl-3-(1*H*-1,2,4-triazole)-1-propanenitrile] and its metabolites, *cis*-5-(4-chlorophenyl)-dihydro-3-phenyl-3-(1*H*-1,2,4-triazole-1-ylmethyl-2-3*H*-furanone and *trans*-5-(4-chlorophenyl)dihydro-3-phenyl-3-(1*H*-1,2,4-triazole-1-ylmethyl-2-3*H*-furanone, expressed as fenbuconazole, in or on the raw agricultural commodities pecans at 0.1 part per million (ppm) and stone fruit crop group (except plums and prunes) at 2.0 ppm. Rohm & Haas Co. submitted petitions requesting this regulation to establish maximum permissible levels for residues of the fungicide.

EFFECTIVE DATE: This regulation becomes effective on March 1, 1995.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 1F3989, 1F3995/R2109], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing request filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch Field Operations Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington DC 20450. In person, bring copy of objections and hearing request to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations