State implementation plan for conformance with the provisions of the CAA. The Agency has determined that this action conforms with those requirements.

Under section 307(b)(1) of the Act, 42 U.S.C. 7607 (b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 6, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the Act, 42 U.S.C. 7607 (b)(2).)

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a 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.

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the Commonwealth is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. section 7410(a)(2) and 7410(k)(3).

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Madates Act''), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under Section (insert) of the CAA. These rules may bind State, local and tribal governments to perform certain actions and also require the private sector to perform certain duties. EPA has examined whether the rules being approved by this action will impose no new requirements, since such sources are already subject to these regulations under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action, and therefore there will be no significant impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 52

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

Dated: January 10, 1996.

Phyllis P. Harris,

Acting Regional Administrator.

52 of chapter I, title 40, *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 S—Kentucky

2. Section 52.920, is amended by adding paragraph (c) (82) to read as follows:

§ 52.920 Identification of plan.

* * * * *

(c) * * *

(82) Revision to the Kentucky State Implementation Plan; Regulation 6.40 of the Air Pollution Control District of Jefferson County which was submitted to EPA on March 4, 1993.

(i) Incorporation by reference.

Regulation 6.40 Standards of Performance for Gasoline Transfer to Motor Vehicles (Stage II Vapor Recovery and Control) which were adopted on December 16, 1992.

(ii) Other material. None.

[FR Doc. 96–5082 Filed 3–5–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 70

[IN002; FRL–5434–2]

Clean Air Act Final Interim Approval of the Operating Permits Program; Indiana; Correction

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Final interim approval; Correction.

SUMMARY: On November 14, 1995 (60 FR 57191), EPA promulgated interim approval of the 40 CFR Part 70 Operating Permits Program for the State of Indiana. The document correctly identified the effective date as December 14, 1995. However, the language to amend 40 CFR part 70 listed an incorrect effective date and an incorrect expiration date for the interim approval of this program.

EFFECTIVE DATE: December 14, 1995.

FOR FURTHER INFORMATION CONTACT: Sam Portanova, AR–18J, 77 West Jackson Boulevard, Chicago, Illinois, 60604, (312) 886–3189.

SUPPLEMENTARY INFORMATION: In the document published on November 14, 1995, at 60 FR 57191, column 3, the effective date and expiration date were incorrect. This final rule corrects the language to amend 40 CFR part 70 in a manner which is consistent with the November 14, 1995 rule. The correct effective date of this interim approval is December 14, 1995, and the correct expiration date of this interim approval is December 14, 1997.

The USEPA regrets any inconvenience the earlier information has caused.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: January 25, 1996.

Valdas V. Adamkus,

Regional Administrator.

40 CFR part 70 is amended as follows:

PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

2. Appendix A to part 70 is amended by revising the entry for Indiana to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

Indiana

(a) The Indiana Department of Environmental Management: submitted on August 10, 1994; interim approval effective on December 14, 1995; interim approval expires December 14, 1997.

(b) Reserved

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[FR Doc. 96–5053 Filed 3–5–96; 8:45 am]

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40 CFR Part 152

[OPP–300350A; FRL 4984–8]

RIN 2070–AC67

Exemption of Certain Pesticide Substances From Federal Insecticide, Fungicide, and Rodenticide Act Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule.

SUMMARY: This rule establishes an exemption from regulation under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for certain pesticides. EPA has determined that these pesticides, under certain conditions, are of a character not necessary to be regulated under FIFRA in order to carry out the purposes of the Act. EPA has concluded that exemption of products covered by this final rule will not pose unreasonable risks to public health or the environment and will, at the same time, relieve producers of the burden associated with regulation. Pesticidal products that do not meet the conditions of this final rule will continue to be regulated under FIFRA.

DATES: This rule becomes effective May 6, 1996.

FOR FURTHER INFORMATION CONTACT: Robert S. Brennis, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington DC 20460. Office location: Room 713, CM #2, 1921 Jefferson Davis Highway, Arlington, VA. Telephone: 703–305–7501, e-mail: brennis.robert@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Authority: This rule is issued under the authority of FIFRA section 25(b).

EPA issued a proposed rule in the Federal Register on September 15, 1994 to exempt from FIFRA regulation certain pesticidal substances (59 FR 47289). In its proposal, EPA identified a total of 31 pesticidal active ingredients that it believed were not of a character necessary to be regulated under FIFRA.

In developing its list of exempted substances, EPA applied certain factors. Consideration was given to such factors as, (1) whether the pesticidal substance is widely available to the general public for other uses; (2) if it is a common food or constituent of a common food; (3) if it has a nontoxic mode of action; (4) if it is recognized by the Food and Drug Administration (FDA) as safe; (5) if there is no information showing significant adverse effects; (6) if its use pattern will result in significant exposure, and (7) if it is likely to be persistent in the environment.

EPA also proposed, as a condition of exempted status, several restrictions. First, the proposal identified active ingredients and listed certain inert ingredients that would be permitted in exempted formulations. Pesticide formulations would qualify only if all of the ingredients contained in the product were exempt. All inert ingredients contained in the formulation would have to be from the list of inerts identified as minimum risk inerts as published in the Federal Register as List 4A inerts. This list was last published in the Federal Register, September 28, 1994 (59 FR 49400).

Second, in order to qualify for the exemption, the pesticide product label must identify all the ingredients of the product. Third, labels must comply with established regulations regarding false and misleading statements (40 CFR 156.10(a)(5)(i) through (viii)). And fourth, the substance or product could not bear claims either to control or mitigate microorganisms that pose a threat to human health or carriers of such microorganisms.

In its proposal, EPA solicited comments on the list of substances themselves, the evaluation factors and the conditions of exemption.

EPA has determined, with the conditions imposed by this rule, that use of these pesticides poses insignificant risks to human health or the environment in order to carry out the purposes of the Act, and the burden imposed by regulation is, therefore, not justified. The Agency, in promulgating this rule, is responding to society's increasing demand for more natural and benign methods of pest control, and to the desire to reduce governmental regulations and ease the burden on the public. The regulatory steps required to register any pesticide substance are formidable, not only for the Agency but for the applicants, who often are small businesses. The novice registrant often requires extra attention and instruction. EPA believes that both the applicant and the Agency are consuming valuable time, energy, and money to register chemicals that pose such low risk.

II. Implementation

Products registered with EPA which now qualify for exemption from pesticide regulation under this rule, will remain registered until further action is taken by the registrant. The Agency encourages voluntary cancellation of these registrations. Cancellation requests should be mailed to James A. Hollins, Office of Pesticide Programs (7502C) EPA, 401 M St., SW., Washington, DC 20460. The letter should request cancellation under FIFRA section 25(b) and specify the product to be canceled by both name and EPA registration number. Existing stocks may be distributed for 1 year after the date of cancellation. After that date, it will be a violation of FIFRA for the former registrant to sell or distribute stock with an EPA registration number displayed on the label. Products in channels of trade may be sold and used until supplies are exhausted.

Producers of products that are exempted from regulation by this final rule, will not be obligated to comply with the established registration and reporting requirements of FIFRA, section 7 with respect to exempted products. Producers who wish to market exempted products do not need to notify the Agency or obtain confirmation that the product is exempt. Provided the producer complies with all conditions of this rule, product may be distributed. To comply, producers must refer to this rule, the most recently published 4A inerts list, and a copy of the false and misleading labeling requirements contained in 40 CFR 156.10(a)(5)(i) through (viii).

It is important to note that this rule only affects Federal regulation of pesticide products. Pesticide producers of exempt products should contact the pesticide agency in each State in which