§ 520.82a [Amended]

4. Section 520.82a *Aminopropazine fumarate tablets* is amended in paragraph (b) by removing ''017220'' and adding in its place ''011716''.

§ 520.82b [Amended]

5. Section 520.82b *Aminopropazine fumarate, neomycin sulfate tablets* is amended in paragraph (b) by removing ''017220'' and adding in its place ''011716''.

§ 520.222 [Amended]

6. Section 520.222 *Bunamidine hydrochloride* is amended in paragraph (c) by removing ''017220'' and adding in its place ''011716''.

§ 520.622c [Amended]

7. Section 520.622c *Diethylcarbamazine citrate chewable tablets* is amended in paragraph (b)(5) by removing ''017220'' and adding in its place ''011716''.

§ 520.784 [Amended]

8. Section 520.784 *Doxylamine succinate tablets* is amended in paragraph (b) by removing ''017220'' and adding in its place ''011716''.

§ 520.863 [Amended]

9. Section 520.863 *Ethylisobutrazine hydrochloride tablets* is amended in paragraph (b) by removing ''017220'' and adding in its place ''011716''.

§ 520.1120a [Amended]

10. Section 520.1120a *Haloxon drench* is amended in paragraph (c) by removing ''017220'' and adding in its place ''011716''.

§ 520.1120b [Amended]

11. Section 520.1120b *Haloxon boluses* is amended in paragraph (c) by removing ''017220'' and adding in its place ''011716''.

§ 520.1720a [Amended]

12. Section 520.1720a *Phenylbutazone tablets and boluses* is amended in paragraph (b)(1) by removing ''017220'' and adding in its place ''011716''.

§ 520.1720b [Amended]

13. Section 520.1720b *Phenylbutazone granules* is amended in paragraph (b) by removing ''017220'' and adding in its place ''011716''.

§ 520.1720c [Amended]

14. Section 520.1720c *Phenylbutazone paste* is amended in paragraph (b) by removing ''017220'' and adding in its place ''011716''.

§ 520.1805 [Amended]

15. Section 520.1805 *Piperazine phosphate with thenium closylate tablets* is amended in paragraph (b) by removing ''017220'' and adding in its place ''011716''.

§ 520.2362 [Amended]

16. Section 520.2362 *Thenium closylate tablets* is amended in paragraph (c) by removing ''017220'' and adding in its place ''011716''.

§ 520.2610 [Amended]

17. Section 520.2610 *Trimethoprim and sulfadiazine tablets* is amended in paragraph (b) by removing ''017220'' and adding in its place ''011716''.

§ 520.2611 [Amended]

18. Section 520.2611 *Trimethoprim and sulfadiazine oral paste* is amended in paragraph (b) by removing ''017220'' and adding in its place ''011716''.

§ 520.2612 [Amended]

19. Section 520.2612 *Trimethoprim and sulfadiazine oral suspension* is amended in paragraph (b) by removing ''017220'' and adding in its place ''011716''.

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

20. The authority citation for 21 CFR Part 522 continues to read as follows:

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

§ 522.82 [Amended]

21. Section 522.82 *Aminopropazine fumarate sterile solution injection* is amended in paragraph (b) by removing ''017220'' and adding in its place ''011716''.

§ 522.784 [Amended]

22. Section 522.784 *Doxylamine succinate injection* is amended in paragraph (b) by removing ''017220'' and adding in its place ''011716''.

§ 522.863 [Amended]

23. Section 522.863 *Ethylisobutrazine hydrochloride injection* is amended in paragraph (b) by removing ''017220'' and adding in its place ''011716''.

§ 522.1155 [Amended]

24. Section 522.1155 *Imidocarb dipropionate sterile powder* is amended in paragraph (b) by removing ''017220'' and adding in its place ''011716''.

§ 522.1720 [Amended]

25. Section 522.1720 *Phenylbutazone injection* is amended in paragraph (b)(1) by removing ''017220'' and adding in its place ''011716''.

§ 522.2610 [Amended]

26. Section 522.2610 *Trimethoprim and sulfadiazine sterile suspension* is amended in paragraphs (a)(2) and (b)(2) by removing ''017220'' and adding in its place ''011716''.

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS

27. The authority citation for 21 CFR part 524 continues to read as follows:

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

§ 524.154 [Amended]

28. Section 524.154 *Bacitracin or bacitracin zinc-neomycin sulfate-polymyxin B sulfate ophthalmic ointment* is amended in paragraph (a)(2) by removing ''017220'' and adding in its place ''011716''.

§ 524.155 [Amended]

29. Section 524.155 *Bacitracin zinc-polymyxin B sulfate neomycin sulfate-hydrocortisone or hydrocortisone acetate ophthalmic ointment* is amended in paragraph (a)(1) by removing ''017220'' and adding in its place ''011716''.

§ 524.1742 [Amended]

30. Section 524.1742 *N-(Mercaptomethyl) phthalimide S-(O,O-dimethyl phosphorodithioate) emulsifiable liquid* is amended in paragraph (b) by removing ''017220'' and adding in its place ''011716''.

Dated: February 28, 1996.

Robert C. Livingston,

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

[FR Doc. 96–5213 Filed 3–5–96; 8:45 am]

BILLING CODE 4160–01–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[KY–71–2–6062a; FRL–5427–4]

Approval and Promulgation of Implementation Plans—Kentucky: Approval of Revision To The State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: This action approves a revision to the Kentucky State Implementation Plan (SIP) adopted by the Kentucky Natural Resources and Environmental Protection Cabinet (KNREP) on March 4, 1993, for the

purpose of implementing a Stage II vapor recovery program in Jefferson County, Kentucky.

DATES: This final rule is effective May 6, 1996 unless adverse or critical comments are received by April 5, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments on this action should be addressed to Alan Powell at the EPA Regional Office listed below.

Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street, NE, Atlanta, Georgia 30365.

Kentucky Resources and Environmental Protection Cabinet, Department for Environmental Protection, Division for Air Quality, 316 St. Clair Mall, Frankfort, Kentucky 40601.

FOR FURTHER INFORMATION CONTACT: Alan Powell, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30365. The telephone number is 404/347–3555, extension 4209. Reference file KY–71–2.

SUPPLEMENTARY INFORMATION: On November 15, 1990, the President signed into law the Clean Air Act Amendments of 1990. The Clean Air Act as amended in 1990 (CAA) includes new requirements for the improvement of air quality in ozone nonattainment areas. Under section 181(a) of the CAA, nonattainment areas were categorized by the severity of the area's ozone problem, and progressively more stringent control measures were required for each category of higher ozone concentrations. The basis for classifying an area in a specific category was the ambient air quality data obtained in the three year period 1987–1989. The CAA delineates in section 182 the SIP requirements for ozone nonattainment areas based on their classifications. Specifically, section 182(b)(3) requires areas classified as moderate to implement Stage II controls unless and until EPA promulgates On Board Vapor Recovery (OBVR) regulations pursuant to section 202(a)(6) of the CAA. Based on consultation with the National Highway Transportation Safety Board, EPA determined that OBVR were unsafe and therefore moderate areas must implement a Stage II program. On January 22, 1993, the United States Court of Appeals for the District of Columbia ruled that EPA's previous decision not to require OBVR controls be set aside and that OBVR regulations be promulgated pursuant to section 202(a)(6) of the CAA. Subsequently, EPA reached a settlement with the plaintiffs which required EPA to promulgate final regulations by January 22, 1994. After such promulgation, moderate areas will not be required to implement Stage II regulations, but Kentucky has indicated that the Commonwealth intends to continue Stage II as part of its ozone attainment plan for the Jefferson County, Kentucky area. The EPA Administrator signed the OBVR final rule on January 24, 1994.

Under section 182(b)(3), EPA was required to issue guidance as to the effectiveness of Stage II systems. In November 1991, EPA issued technical and enforcement guidance to meet this requirement. These two documents are entitled ''Technical Guidance-Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities'' (EPA–450/3–91–022) and ''Enforcement Guidance for Stage II Vehicle Refueling Control Programs.'' In addition, on April 16, 1992, EPA published the ''General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990'' (57 FR 13498). The guidance documents and the General Preamble discuss Stage II statutory requirements and indicate what EPA believes a State submittal needs to include to meet those requirements.

The Pollution Control District of Jefferson County approved these regulations and on February 24, 1993, the Commonwealth of Kentucky granted prior concurrence according to the provision in KRS 224.20–130. The Jefferson County regulation is summarized as follows.

Regulation 6.40—Standards of Performance for Gasoline Transfer to Motor Vehicles (Stage II Vapor Recovery)

The CAA specifies that the state regulation must apply to any facility that dispenses more than 10,000 gallons of gasoline per month or, in the case of an independent small business marketer (ISBM), any facility that dispenses more than 50,000 gallons of gasoline per month. Section 324 of the CAA defines an ISBM. The Jefferson County regulation does not allow the ISBM exemption and all gasoline dispensing stations with a throughput of more than 10,000 gallons per month must comply.

Consistent with EPA's guidance, the regulation requires that Stage II systems be tested and certified to meet a 95 percent emission reduction efficiently by using a system approved by the California Air Resources Board (CARB). The regulation requires sources to verify proper installation and function of Stage II equipment through use of a liquid blockage test and a leak test prior to system operation and every five years or upon major modification of a facility (i.e., 75 percent or more equipment change). The County has also established an inspection program consistent with that described in EPA's guidance and has established procedures for enforcing violations of the Stage II requirements.

EPA has evaluated the Kentucky submittal for consistency with the CAA, EPA regulations, and EPA policy. EPA has determined that the rule addressed in this notice meets all of the CAA requirements and is approving under section 110(k)(3), Regulation 6.40 of the Air Pollution Control District of Jefferson County as part of the Kentucky SIP.

Final Action

EPA is approving this revision because it meets the requirements of EPA and the CAA. This action is being taken without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective May 6, 1996 unless, by April 5, 1996 adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the separate proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective May 6, 1996.

The Agency has reviewed this request for revision of the Federally-approved

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

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.