

§ 524.1580b Nitrofurazone ointment.

(b) *Sponsor.* For use in dogs, cats, and horses see Nos. 000149 and 000864 in § 510.600(c) of this chapter. For use in dogs and horses see No. 017135 in § 510.600(c) of this chapter.

Effective date. This amendment is effective August 7, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: July 30, 1981.

Terence Harvey,

Deputy Director, Bureau of Veterinary Medicine.

[FR Doc. 81-22907 Filed 8-6-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 558**New Animal Drugs for Use in Animal Feeds; Tylosin and Sulfamethazine**

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed for Laverne Supplement Co., providing for safe and effective use of a premix containing 5 grams per pound each of tylosin and sulfamethazine for making complete swine feeds.

EFFECTIVE DATE: August 7, 1981.

FOR FURTHER INFORMATION CONTACT:

Jack C. Taylor, Bureau of Veterinary Medicine (HFV-136), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5247.

SUPPLEMENTARY INFORMATION: Laverne Supplement Co., 1038 Space Park South, Nashville, TN 37211, is the sponsor of NADA 127-824 submitted on its behalf by Elanco Products Co. The NADA provides for use of a premix containing 5 grams per pound each of tylosin (as tylosin phosphate) and sulfamethazine for making complete swine feeds used to maintain weight gains and feed efficiency in the presence of atrophic rhinitis, lower the incidence and severity of *Bordetella bronchiseptica* rhinitis, prevent swine dysentery (vibronic), and control swine pneumonias caused by bacterial pathogens (*Pasteurella multocida* and/or *Corynebacterium pyogenes*).

Approval of the application is based on safety and effectiveness data contained in Elanco Products Co.'s approved NADA's 12-491 and 41-275. Use of the data in NADA's 12-491 and 41-275 to support this application has been authorized by Elanco. This

approval does not change the approved use of the drug. Consequently, approval of this NADA poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of this NADA has been treated as would approval of a Category II supplemental NADA and does not require reevaluation of the safety and effectiveness data in NADA's 12-491 or 41-275.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.630 by adding new paragraph (b)(9) to read as follows:

§ 558.630 Tylosin and sulfamethazine.

(b) * * *

(9) To 022422; 5 grams per pound each, paragraph (f)(2)(ii) of this section.

Effective date. This regulation is effective August 7, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: July 30, 1981.

Terence Harvey,

Deputy Director, Bureau of Veterinary Medicine.

[FR Doc. 81-22906 Filed 8-6-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF LABOR**Occupational Safety and Health Administration****29 CFR Part 1910****Electrical Standards; Correction**

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Final standard; corrections.

SUMMARY: This notice contains minor corrections to the final General Industry Electrical Safety Standards, published on January 16, 1981 (46 FR 4034). Additionally, the telephone number of the OSHA Office of Publications is corrected.

DATE: These corrections are effective October 6, 1981. The standard became effective on April 16, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Jerry Leonard or Mr. David Wallis, Office of Electrical and Electronic Engineering Safety Standards, OSHA, Room N3457, 200 Constitution Avenue, N.W., Washington, D.C. 20210. (202-523-8161)

For additional copies of the regulation contact: OSHA Office of Publications, U.S. Department of Labor, Room S1212, Washington, D.C. 20210. (202-523-7119).

SUPPLEMENTARY INFORMATION: On January 16, 1981, the Occupational Safety and Health Administration (OSHA) published the revision to 29 CFR Part 1910, Subpart S, as a final standard (46 FR 4034). Subpart S contains OSHA's electrical safety standards. This notice corrects the standards as they appeared in the *Federal Register*. Most of the corrections involve minor typographical errors. However, the correction which deals with § 1910.308(e), relating to communication systems, is worthy of some discussion.

In the proposal, OSHA neglected to include a statement indicating which parts of Subpart S were applicable to communication systems. As several commenters noted, this omission would have made all such systems subject to all of the provisions of Subpart S. Such coverage of communication systems was not contained in the existing OSHA electrical standards (1971 NEC), nor was

it intended by OSHA to be imposed by the revision of those standards. Therefore, in the final standards § 1910.308(e), which deals specifically with communication systems, was amended by the addition of the following statements:

These installations need not comply with the provisions of §§ 1910.303 through 1910.308(d).

However, the exemption provided by this added language is broader than was intended by OSHA. It inadvertently exempts communication systems from two provisions, § 1910.304(c)(1) and § 1910.307(b), which specifically refer to these systems. The requirements contained in these paragraphs have been applied to communication systems under OSHA ever since Subpart S was originally promulgated under section 6(a) of the Occupational Safety and Health Act. These provisions have also been applicable to communication systems in all revisions of the NEC since 1971. It was not OSHA's intention in the final standard to exempt communication systems from the provisions of revised Subpart S which specifically refer to such systems.

The background of §§ 1910.304(c)(1) and 1910.307(b) demonstrates that these provisions and their counterparts in the NEC have always been applicable to communication systems. The 1971 National Electrical Code (NEC) was incorporated by reference as the Occupational Safety and Health Administration's (OSHA) previous General Industry Electrical Safety Standard. The NEC consisted of nine chapters. Chapter 8 addressed communication systems. In the introduction to the NEC, Chapter 8 was made independent of the other chapters by using the following statement in Section 90-3:

Chapter 8 covers communications systems and is independent of the other chapters except where they are specifically referenced therein.

This same statement has been retained in all subsequent revisions of the NEC. In several places in the NEC, outside Chapter 8, the Code makes reference to communication systems. For example, 1978 NEC Section 501-14 (which is in Chapter 5) requires all apparatus and equipment of communication systems installed in Class I, Division 1 locations to be "approved for the location." This requirement therefore applies in addition to the provisions of Chapter 8 of the 1978 NEC. Another example can be found in 1978 NEC Section 225-14 (in Chapter 2), which prescribes climbing space clearances for conductors on

poles. These same provisions were also in the 1971 NEC and were thus included in OSHA's previous electrical standards.

As previously noted, communication systems are specifically referenced in § 1910.304(c)(1) and § 1910.307(b) of the revised standards. Therefore, in addition to the requirements of § 1910.308(e), these two paragraphs are intended to apply to communication systems.

Paragraph (c)(1) of § 1910.304 addresses climbing space clearances for power and communication conductors mounted on poles. This requirement was derived from 1978 NEC Section 225-14(d) (1971 NEC Section 730-14(e)). Communication conductors were included in this paragraph to keep all climbing space requirements in one place, instead of having one in § 1910.304 and one in § 1910.308(e). Additionally, this requirement is more logically located in § 1910.304(c), because the required clearances are dependent on the presence and orientation of both the power lines and the communication lines. (It should be noted that there is no clearance requirement for communication conductors mounted alone.) Paragraph (c)(1) of § 1910.304 specifically refers to communication conductors, and the correction being made clarifies that it applies to communication systems in addition to the requirements of § 1910.308(e).

Paragraph (b) of § 1910.307 contains general provisions for hazardous (classified) locations, requiring equipment installed in these locations to be: (1) intrinsically safe, (2) approved for the purpose, or (3) safe for the hazardous (classified) location. The third option (§ 1910.307(b)(3)) can be met by meeting the requirements of the National Electrical Code. As mentioned in the Note to paragraph (b)(3), Chapter 5 of the NEC addresses communication systems for installation in hazardous (classified) locations.

Under the previous OSHA electrical standards, Sections 501-14, 502-14, and 503-12 of the 1971 NEC provided specifications for the installation of communication systems in hazardous (classified) locations. Those provisions applied to these systems in addition to the special provisions for such systems contained in NEC Chapter 8. This framework has been carried forward in subsequent editions of the NEC.

OSHA's revision of the hazardous (classified) locations sections of Subpart S (§ 1910.307) was intended to provide greater flexibility for compliance without reducing employee safety, through the use of performance-oriented language where possible. Although this

resulted in the deletion of the previous standards' specifications for installation of communication systems, OSHA did not intend thereby to remove these systems completely from coverage of the hazardous locations provisions. To do so would be inconsistent both with the purposes behind the revisions and with the coverage contained in the NEC.

The Note to § 1910.307(b)(3), as published in the final standards, specifically references communication systems as one area covered by the guidelines for compliance with the hazardous location requirements. Although this reference is not found in the body of § 1910.307 itself, it is included in the note in order to highlight areas of concern to the employer in meeting the broad performance language of that section. This reference to communication systems indicates that such systems are intended to be covered by § 1910.307(b). This continues the coverage which applied under the previous OSHA standard and is consistent with the applicability of these provisions under the NEC. It is, therefore, necessary to correct § 1910.308(e) to indicate that communications systems installed in hazardous locations are still subject to the hazardous (classified) locations requirements of the OSHA electrical standards.

For the reasons previously noted, OSHA is correcting § 1910.308(e) to indicate that communication systems covered by that paragraph are also subject to the provisions of § 1910.304(c)(1) and § 1910.307(b). This correction imposes no additional burden on employers whose installations have been in compliance with the previous OSHA standards or with the NEC. They carry forward the coverage of communication systems that has continually been followed in the recent editions of the NEC.

Therefore, OSHA is correcting the last sentence of § 1910.308(e)(1) to read:

These installations need not comply with the provisions of §§ 1910.303 through 1910.308(e), except § 1910.304(c)(1) and § 1910.307(b).

These corrections are effective October 8, 1981.

This document was prepared under the direction of Thorne G. Auchter, Assistant Secretary of Labor, Occupational Safety and Health Administration, U.S. Department of Labor, Third Street and Constitution Avenue, N.W., Washington, D.C. 20210.

Authority: This document is issued under section 6(b) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 29 U.S.C. 655), 5 U.S.C. 553, and 29 CFR Part 1911.

Signed at Washington, D.C., this 24th day of July 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

The following corrections are made to 29 CFR 1910, Subpart S, appearing in the Federal Register on January 16, 1981 (46 FR 4034-4076):

Section	FR Page	Column and line	Correction
None	4034	1st, last	The phone number "(202-523-8677)" should be "(202-523-7119)".
1910.301(e)	4056	2nd, 23rd from top	After the word "Definitions" add period and "Definitions".
1910.302(a)(2)(iii)	4056	2nd, 7th from bottom	Change "communication" to "communication".
1910.302(a)(2)(iv)	4056	2nd, 5th from bottom	Change "communication" to "communication".
1910.302(b)(1)	4056	3rd, 33rd from top	Remove the colon and insert a period.
1910.302(b)(1)	4056	3rd, 49th from top	Change section number "1910.305(g)(i)(i)" to "1910.305(g)(1)(i)".
1910.302(b)(1)	4056	3rd, 56th from top	Change "location" to "locations".
1910.303(e)	4057	2nd, 16th from top	Change "and" to "or".
1910.303(f)	4057	2nd, 33rd from top	Remove the word "involvement".
1910.303(Table S-1)	4057	3rd, 3rd line in Note 2	Change "othe" to "other".
1910.303(Table S-2)	4058	2nd, Title of Table S-2	Change the title "Minimum Depth of Clear working Space in Front of Electric Equipment" to "Minimum Depth of Clear Working Space in Front of Electric Equipment".
1910.304(c)(4)	4059	3rd, 29th from top	After the word "that" add a colon.
1910.304(f)(1)(i)(b)	4060	2nd, 20th from top	Change the numbers "(f)(1)(i)(b)" to "(f)(1)(i)(b), (f)(1)(i)(v)".
1910.304(f)(5)(v)(a)	4061	1st, 20th from bottom	Change the number "1910.306" to "1910.307".
1910.304(f)(5)(v)(c)(3)	4061	1st, 5th from bottom	Add hyphen between "motor" and "operated".
1910.304(f)(5)(v)(c)(4)	4061	1st, 4th from bottom	Add hyphen between "motor" and "operated".
1910.304(f)(5)(v)(d)	4061	2nd, 20th from bottom	Remove the words "shall be" and insert "is".
1910.304(f)(5)(v)(e)	4061	2nd, 10th from bottom	Remove the words "shall be" and insert "is".
1910.305(a)(1)(i)	4062	1st, 4th from top	Change "othe" to "other".
1910.305(a)(2)(ii)(A)	4062	1st, 22nd from bottom	Change "approval" to "approved".
1910.305(a)(2)(ii)(A)	4062	2nd, 14th from top	Change "accidental" to "accidental".
1910.305(a)(2)(ii)(A)	4062	2nd, 18th from top	Change "of" to "or".
1910.305(a)(3)(i)(a)(5)	4062	2nd, 31st from bottom	Change "Nonmetallic-sheathed" to "nonmetallic-sheathed".
1910.305(a)(3)(i)(b)(7)	4062	2nd, 6th from bottom	After the word "and" add "other".
1910.305(b)(1)	4062	3rd, 6th from bottom	After the word "shall" add "also".
1910.305(b)(1)	4062	3rd, 7th from bottom	Remove the word "also".
1910.305(g)(1)(v)	4063	2nd, 6th from bottom	Change "to" to "in".
1910.305(j)(4)(i)(A)(7)	4064	2nd, 32nd from bottom	Change "such as metal and" to "such as a metal or".
1910.305(j)(4)(i)(A)(7)	4064	2nd, 31st from bottom	Change "machines, cranes, and" to "machine, crane, or".
1910.305(j)(4)(i)(A)(7)	4064	2nd, 30th from bottom	Change "hoists" to "hoist".
1910.305(j)(7)	4065	1st, 33rd from top	Change "batteries" to "batteries".
1910.306(a)(1)	4065	1st, 12th from bottom	Change "underground" to "ungrounded".
1910.306(a)(2)	4065	1st, 2nd from bottom	Change "ordinary" to "ordinary".
1910.306(b)(1)	4065	2nd, 6th from top	After the word "means" add "(i)".
1910.306(c)(1)	4065	2nd, 18th from bottom	Change "underground" to "ungrounded".
1910.306(g)(2)(i)	4066	1st, 11th from top	Change "or" to "of".
1910.306(h)(1)	4066	1st, 3rd from bottom	Change "or" to "of".
1910.306(h)(3)(i)	4066	2nd, 17th from bottom	After the word "working" add "zone or".
1910.306(h)(7)(i)	4066	3rd, 25th from bottom	Change "housing" to "housings".
1910.306(j)(2)(i)(A)	4067	2nd, 23rd from top	After the date "1981" add a comma.
1910.307(b)	4067	3rd, 24th from bottom	After the word "in" add "hazardous" and add parentheses around "classified".
1910.307(b)	4067	3rd, 23rd from bottom	After the comma (after the word "safe") add "or".
1910.307(b)(2)(i)	4068	1st, 4th from top	Change "shall" to "may".
1910.307(b)(2)(i)(A)	4068	1st, 13th from top	Change "heat producing" to "heat-producing".
1910.307(b)(2)(i)(A)	4068	1st, 15th from top	After "F" delete the comma.
1910.308(a)(2)(i)	4068	2nd, 29th from bottom	Change "circuit breakers located" to "circuit breaker installations located".
1910.308(a)(2)(i)	4068	2nd, 28th from bottom	Add "units" after "metal-enclosed".
1910.308(a)(2)(i)	4068	2nd, 27th from bottom	Remove comma after "resistant".
1910.308(b)(2)	4069	1st, 19th from top	Change "with" to "as".
1910.308(e)(1)	4069	3rd, 24th from top	Add ", except § 1910.304(c)(1) and § 1910.307(b)" between "1910.308(d)" and before the period.
1910.399(a)(24)(i) Note	4071	2nd, 28th from bottom	After the word "factors" change "to" to "that".
1910.399(a)(24)(i) Note	4071	2nd, 27th from bottom	Remove the word "be" and change "considered" to "consideration".
1910.399(a)(25)(i)	4071	3rd, 30th from bottom	After the word "which" change the comma to a colon.
1910.399(a)(25)(i)	4071	3rd, 27th from bottom	After the word "mixtures" change the semicolon to a comma.
1910.399(a)(25)(i)	4071	3rd, 23rd from bottom	Change "Dust" to "dust".
1910.399(a)(25)(i) Note	4071	3rd, 9th from bottom	Change "operation" to "operating".
1910.399(a)(70)	4073	1st, 12th from bottom	Remove the word "under".
1910.399(a)(112)(i)	4074	3rd, 17th from top	Change "flame-retardant" to "flame-retardant".
1910.399(a)(124)(i)	4075	1st, 32nd from top	Change "Switch" to "switch".
Appendix A	4075	3rd, 20th from top	Change "Rotocraft" to "Rotorcraft".
Appendix A	4075	3rd, 26th from top	Change "C2-77" to "C2-81".

**ENVIRONMENTAL PROTECTION
AGENCY****40 CFR Part 52****[A-4 FRL 1870-1]****Approval and Promulgation of
Implementation Plans; Kentucky:
Approval of 1979 Carbon Monoxide
Revisions****AGENCY:** Environmental Protection
Agency.**ACTION:** Final rule.

SUMMARY: EPA today announces its approval of the State Implementation Plan (SIP) revisions which the Kentucky Department for Natural Resources and Environmental Protection (DNREP) submitted pursuant to requirements of Part D of Title I of the Clean Air Act, as amended in 1977, for the Jefferson County's ozone nonattainment area. This action by EPA lifts the restrictions imposed by Section 110(a)(2)(I) of the Clean Air Act on the permitting of new stationary sources of carbon monoxide in Jefferson County.

EPA approves the SIP with the understanding that the Kentucky Department for Natural Resources and Environmental Protection will submit a new I/M implementation schedule which has been formally adopted by Jefferson County.

DATE: These actions are effective August 7, 1981.

ADDRESSES: Copies of the materials submitted by Kentucky and the comments received in response to the proposal notice of November 15, 1979 (44 FR 65781), and EPA's response to the comments may be examined during normal business hours at the following locations:

Public Information Reference Unit,
Library Systems Branch,
Environmental Protection Agency, 401
M Street, S.W., Washington, D.C.
20460.

Library, Environmental Protection
Agency, Region IV, 345 Courtland
Street, NE, Atlanta, Georgia 30365.

A copy of the Kentucky submittals may also be examined at the following location: Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT:
Tom Little, EPA Region IV, Air Programs
Branch, 345 Courtland Street, NE,
Atlanta, Georgia 30365, 404/881-2864 or
FTS 257-2864.

SUPPLEMENTAL INFORMATION:**Background**

In the November 15, 1979, Federal Register (44 FR 65781) EPA proposed conditional approval of the Kentucky SIP revisions for Jefferson County which is designated nonattainment (primary and secondary standards are the same) for carbon monoxide.

The Kentucky revisions have been reviewed by EPA in light of the Clean Air Act (CAA), EPA regulations, and additional guidance materials. The criteria utilized in this review were detailed in the Federal Register on April 4, 1979 (44 FR 20372), and need not be repeated in detail here. Supplements to the April 4 notice were published on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53716), and November 23, 1979 (44 FR 87182). The proposal of November 15, 1979, gave detailed justification for EPA's finding that the revisions, aside from the deficiencies described, satisfy the requirements of Section 172(b) of the Clean Air Act. This detail is not repeated here.

EPA is approving the revisions because the deficiencies noted in the proposal have been corrected. The discussion below deals with these and the corrective submittals made by Kentucky in response to the proposed conditional approval.

Inspection/Maintenance (I/M)

The Commonwealth has requested an extension to the end of 1987 for meeting the ozone and carbon monoxide standards in Louisville (Jefferson Co.). Therefore, a mandatory inspection and maintenance (I/M) program for motor vehicles, other transportation control measures, and a new source review program consistent with Section 172(b)(11) must be implemented. These requirements were described in detail in the notice conditionally approving the 1979 ozone revisions (45 FR 6092, January 25, 1980). This notice described the State's efforts to assure adequate legal authority for I/M, and granted an extension for certification of adequate legal authority to June 30, 1980. EPA had proposed on November 15, 1979, to approve the I/M portion of the SIP on condition that the State make certification of adequate legal authority by June 30, 1980.

The 1980 General Assembly considered but did not pass a bill establishing an I/M program. In response, local officials again attempted to avoid the imposition of the economic limitations required by the Clean Air Act by adopting an ordinance. On June 24, 1980, the Jefferson County Fiscal Court adopted an ordinance allowing for the

implementation and enforcement of an I/M program. This program is to be a contractor-operated centralized annual inspection utilizing a "sticker and fine" system for enforcement.

The Jefferson County Air Pollution Control Board will administer the program. The vehicles to be tested include all vehicles registered in Jefferson County as well as any car registered in any other Kentucky County or Indiana County where the owner of said car works in Jefferson County and uses that car to commute to work. The ordinance includes a \$100.00 waiver fee for emission related repair. The ordinance provides that the emission standards in the Jefferson County I/M program will be compatible with Federal requirements. EPA interprets this to mean that the county's I/M program will satisfy the requirement for minimum program effectiveness as specified in EPA's I/M Policy memorandum from David G. Hawkins to the Regional Administrators dated July 17, 1978. It is expected that the presently proposed regulations which demonstrate that the Jefferson County I/M program will achieve a 25 percent reduction in vehicular emissions will be adopted. The submission of these regulations, after formal adoption, is required for the 1982 SIP revision. As required by the SIP policy published January 22, 1981 (46 FR 7182), the state must demonstrate in its 1982 SIP revision that the Jefferson County I/M program will produce a 25 percent reduction in mobile source emissions by December 31, 1987 according to Mobile 1 or a 35 percent reduction using Mobile 2. However, the county has failed to meet a number of the milestone dates which were contained in the I/M implementation schedule which was submitted as a SIP revision on January 8, 1981. EPA has requested the county to adopt a new schedule which establishes new dates for the milestones which the county has not met.

Transportation Control Plan

EPA reviewed the Transportation Control Plan (TCP) according to the requirements listed in the CAA and found that the submittal adequately addressed all of those issues except for the deficiencies described in the November 15, 1979, proposed conditional approval notice. The submittal of November 19, 1980, included corrections to these deficiencies as described below:

1. Deficiency

In Appendix F (Kentuckiana Regional Planning and Development Agency

(KIPDA), P. 74-78) certain transportation control measures (TCM's) are identified as "adopted but not yet implemented". Each of these TCM projects must include commitments from the appropriate agencies for implementation and enforcement. Schedules for initiation and completion or implementation of the measures must be contained in the SIP.

2. Deficiency

The appropriate agency(s) must examine the air quality benefits from all projects in the long-term as well as short-term to ensure that a project will continue to have air quality benefits throughout its lifetime. EPA will accept for inclusion in the SIP only those measures meeting this criterion. EPA also requires that the projected emission reductions must be verified through the annual reporting requirements related to the Reasonable Further Progress Curve.

3. Deficiency

Section 108(f) requires EPA to publish and make available information documents on transportation control measures that are reasonably available for implementation in order to reduce emissions from transportation sources. EPA considers all Section 108(f) measures to be reasonably available. The Commonwealth submission lacks a commitment to justify a decision not to implement any measures found reasonably available but difficult to implement. The submittal does not contain the schedule for analysis of packages of all the Section 108(f) measures with a commitment to implement expeditiously the measures that are found feasible for implementation.

The November 19, 1980, submittal by the Commonwealth included letters of commitments from all appropriate agencies to correct each of the above deficiencies. Specifically, the submittal included letters of commitment from all appropriate agencies to implement and enforce TCMs, examine long-term air quality impacts and implement all 108(f) measures, or justify a decision not to implement any 108(f) measure which is found difficult to implement.

Comments and Responses

One commenter submitted extensive comments which it requested be considered part of the record for each State plan. Each of the points raised by the commenter was responded to as part of the conditional approval of the Kentucky ozone SIP on January 25, 1980 (45 FR 6092). Those responses need not be repeated here. In addition, a number of comments were directed specifically

to the proposed approval of Kentucky's 1979 CO revisions. These were carefully considered and found not to be of such a nature as to alter the Agency's proposed action. A summary of these comments has been prepared in a technical support document which also presents the Agency's responses. This document may be consulted at the locations noted above under "Addresses."

Actions

The Administrator approves Kentucky's 1979 revisions for the Jefferson County CO nonattainment area. This action is effective immediately. EPA finds good cause to make this approval immediately effective, because the Clean Air Act restricts new construction after June 30, 1979, where plans are not approved. Making the approval immediately effective lifts this restriction as soon as possible and imposes no requirement that is not already in effect at the State level. EPA approves the SIP with the understanding that the Kentucky Department for Natural Resources and Environmental Protection will submit a new I/M implementation schedule which has been formally adopted by Jefferson County and which revises dates for milestones which the county has not met. Also, since all the requirements have been satisfied for an attainment date extension, the Administrator extends to December 31, 1987, the date by which the national standards for carbon monoxide are to be met in Jefferson County.

In conditionally approving Kentucky's Part D revisions for TSP nonattainment areas on December 24, 1980 (45 FR 84999), an 18-month extension of the deadline for submitting a plan to attain the secondary standard in Boyd, Daviess, Henderson, and Jefferson Counties was not given through an oversight. This action was proposed in the notice of November 15, 1979 (44 FR 65781), and is made final today. Also, in the rulemaking notice of October 31, 1980 (45 FR 72153), conditionally approving the Part D revisions for SO₂, a new § 52.936, Rules and Regulations, was added through an oversight, even though there was an existing section (52.932) devoted to this topic. The material of § 52.936 is here moved into § 52.932.

Under Section 307(b)(1) of the Clean Air Act, judicial review of these actions is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged

later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it only approves state and local actions, and applies to only one county.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at EPA, Region IV, 345 Courtland Street, Atlanta, Georgia.

Incorporation by reference of the State Implementation Plan for the Commonwealth of Kentucky was approved by the Director of the Federal Register on July 1, 1980.

(Sections 110, 172, and 302(a) of the Clean Air Act (42 U.S.C. 7410, 7502, and 7601(a)))

Dated: July 29, 1981.

Anne M. Gorsuch,
Administrator.

Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart S—Kentucky

1. Section 52.920 is amended by adding a subparagraph (17) to paragraph (c) as follows:

§ 52.920 Identification of plan.

(c) The plan revisions listed below were submitted on the dates specified.

(17) 1979 Revisions for Part D requirements for the Jefferson County carbon monoxide nonattainment area, submitted on June 29, 1979, by the Kentucky Department for Natural Resources and Environmental Protection. Additional materials to correct the deficiencies noted in the November 15, 1979 proposed conditional approval were submitted as SIP revisions on September 22, 1980, November 19, 1980, and January 8, 1981, as noted in the preceding subparagraph.

2. Section 52.922 is amended by adding paragraphs (d) and (e) as follows:

§ 52.922 Extensions.

(d) The Administrator hereby extends until December 31, 1987, the attainment date for the national standards for carbon monoxide in Jefferson County.

(e) The Administrator hereby extends for 18 months (until July 1, 1980), the statutory timetable for submittal of plans to attain the secondary standard for particulate matter in Boyd, Daviess, Henderson, and Jefferson Counties.

§§ 52.932 and 52.936 [Amended]

3. Paragraphs (a) and (b) of § 52.936 are transferred to § 52.932 of this Subpart and redesignated paragraphs (b) and (c) respectively.

[FR Doc. 81-23108 Filed 8-6-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-H FRL 1870-3]

Approval and Promulgation of Implementation Plans; Kentucky: Approval of 1979 Ozone Revisions

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today announces its approval of the State Implementation Plan (SIP) revisions which the Kentucky Department for Natural Resources and Environmental Protection submitted pursuant to requirements of Part D of Title I of the Clean Air Act, as amended in 1977, for the Jefferson County ozone nonattainment area. EPA also announces approval of the SIP for the Boyd County ozone nonattainment area. The Commonwealth of Kentucky has submitted additional material to correct the deficiencies cited for Jefferson and Boyd Counties in EPA's January 25, 1980 conditional approval of the ozone Part D SIP. EPA approves the Jefferson County SIP with the understanding that the Kentucky Department for Natural Resources and Environmental Protection will submit a new I/M implementation schedule which has been formally adopted by Jefferson County.

DATE: These actions are effective September 8, 1981.

ADDRESSES: Copies of the materials submitted by Kentucky to satisfy the conditional approval may be examined during normal business hours at:

Library, Environmental Protection Agency,
345 Courtland Street, Atlanta, Georgia 30365.

Kentucky Division of Air Pollution Control,
West Frankfort Office Complex, 1050 U.S.
127 Bypass South, Frankfort, Kentucky 40601.

Office of the Federal Register, 1100 L Street
NW., Room 8401, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT:
Tom Little, EPA Region IV, Air Programs
Branch at the above address and

telephone number 404/881-2864 or FTS
257-2864.

SUPPLEMENTARY INFORMATION: On January 25, 1980 (45 FR 6093), EPA conditionally approved the Jefferson and Boyd County portions of the Kentucky ozone SIP. Certain deficiencies were noted in the SIP. For Jefferson County these were the lack of an auto emission inspection and maintenance (I/M) plan, and the lack of commitments from appropriate agencies to implement various transportation control measures (TCMs) contained in the SIP and to implement all Section 108(f) measures, or to justify a decision not to implement any particular measures. In addition, the appropriate agencies had to commit themselves to study the long term as well as short term air quality benefits of transportation projects included in the SIP. Finally, the Commonwealth's regulations for volatile organic compounds (VOC) included an exemption for certain oil-effluent separators. That exemption had to be either removed or justified. This last deficiency was noted for both Boyd and Jefferson Counties. These conditions were discussed in more detail in the January 25, 1980 conditional approval. Submittals to satisfy those conditions were due June 30, 1980 for the I/M measures and June 1, 1980 for the remaining commitments.

The Commonwealth was given until June 30, 1980, to submit I/M legal authority because the Kentucky General Assembly meets only every other year and did not have adequate information for the 1978 session to consider I/M. However, although an I/M bill passed the Senate, the 1980 session failed to enact any I/M legislation. EPA, the Commonwealth and local governments investigated other options including the operation of the program by the local governments. The Jefferson County Fiscal Court enacted a county-wide I/M ordinance on June 24, 1980. Several minor amendments, including some made at EPA's request, were adopted on July 8. The ordinance satisfies the requirement for legal authority to enact I/M in the county. The ordinance contains a requirement that the I/M standards be compatible with the federal requirements; On July 16, 1980, the Jefferson County Air Pollution Control Board adopted an I/M implementation schedule which gives implementation dates for all significant milestones in implementing the program. These items were submitted as part of the Kentucky SIP on September 22, 1980. Because public hearings on the I/M regulations raised several questions which will require longer than expected

to resolve, the Air Pollution Control Board decided to revise the I/M schedule. A new schedule, which postpones some of the interim dates by about three months but does not affect the startup date, was adopted on December 17, 1980. However, the County has failed to meet a number of milestone dates which were contained in the I/M implementation schedule which was submitted as a SIP revision on January 8, 1981. EPA has requested the county to adopt a new schedule which establishes new dates for the milestones which the county has not met.

The ordinance provides that the emission standards in the Jefferson County I/M program will be compatible with Federal requirements. EPA interprets this to mean that the county's I/M program will satisfy the requirement for minimum program effectiveness as specified in EPA's I/M Policy memorandum from David G. Hawkins to the Regional Administrators dated July 17, 1978. It is expected that the presently proposed regulations which demonstrate that the Jefferson County I/M program will achieve a 25 percent reduction in vehicular emissions will be adopted. The submission of these regulations, after formal adoption, is required for the 1982 SIP revision. As required by the SIP policy published January 22, 1981 (46 FR 7182), the state must demonstrate in its 1982 SIP revision that the Jefferson County I/M program will produce a 25 percent reduction in mobile source emissions by December 31, 1987 according to Mobile 1 or a 35 percent reduction using Mobile 2.

Commitments for the various transportation control measures have been submitted by Kentucky. This included letters of commitment from all the agencies responsible for TCMs in Jefferson County. Some of the commitment letters were delayed because of uncertainty as to the form of commitments that were required, but all necessary commitments were finally submitted on November 19, 1980. EPA feels these commitment letters meet all the remaining requirements for approval of the TCM portion of the SIP.

The exemption for oil-effluent separators exempted separators handling products with a Reid Vapor Pressure under 0.5 PSIA. On May 18, 1980, the Secretary of the Kentucky Department for Natural Resources and Environmental Protection wrote EPA to justify the exemption. She certified that this exemption would affect only one facility in the State and that, in any case, the control required at this facility would assure 96% of the emission reduction estimated using the

reasonably available control technology as defined in EPA's control techniques guidelines. Because the level of control is within 5% of that achievable using RACT, EPA approves this exemption.

Action

The Administrator approves the Kentucky ozone SIP for the Boyd and Jefferson Counties nonattainment areas. This approval becomes effective on September 8, 1981. EPA approves the Jefferson County SIP with the understanding that the Kentucky Department for Natural Resources and Environmental Protection will submit a new I/M implementation schedule which has been formally adopted by Jefferson County and which revises dates for milestones which the county has not met.

Under Section 307(b)(1) of the Clean Air Act, judicial review of these actions is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it only approves state and local actions and affects only two counties.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Incorporation by reference of the State Implementation Plan for the State of Kentucky was approved by the Director of the Federal Register on July 1, 1980.

(Secs. 110, 172, Clean Air Act (42 U.S.C. 7410, 7502))

Dated: July 29, 1981.

Anne M. Gorsuch,
Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart S—Kentucky

1. Section 52.920 is amended by adding a subparagraph (16) to paragraph (c) as follows:

§ 52.920 Identification of plan.

(c) The plan revisions listed below were submitted on the dates specified.

(16) Corrections in 1979 ozone revisions required by conditional approval of January 25, 1980, submitted on May 18, 1980 (letter on oil-water effluent separators), September 22, 1980 (Jefferson County I/M ordinance and schedule), November 19, 1980 (Jefferson County transportation related commitments), and on January 8, 1981 (changes in Jefferson County I/M schedule), by the Kentucky Department for Natural Resources and Environmental Protection.

§ 52.930 [Amended]

2. In § 52.930, paragraph (a) dealing with the conditional approval of the ozone control strategy for Jefferson and Boyd Counties is removed.

(PR Doc. 81-23110 Filed 6-6-81; 8:45 am)

BILLING CODE 6560-38-M

40 CFR Part 52

[A-4-FRL 1873-6]

Approval and Promulgation of Implementation Plans; South Carolina: Public Notification and Awareness

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Section 127 of the Clean Air Act, as amended in 1977 requires that States submit a plan which will notify the public on a regular basis when air quality violations occur, enhance public awareness of air pollution preventive measures and encourage or provide for the public to participate in regulatory and other efforts to improve air quality (40 CFR 51.285). The State of South Carolina has responded by preparing a revision to the implementation plan and has formally submitted the revision to EPA. EPA is approving this revision. This action will be effective 60 days from the date of this notice unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

DATE: This action is effective on October 6, 1981.

ADDRESSES: The South Carolina submittal may be examined during normal business hours at the following locations:

Public Information Reference Unit,
Library System Branch,
Environmental Protection Agency, 401
M Street, SW., Washington, D.C.
20460

Library, Environmental Protection
Agency, Region IV
Office of the Federal Register, 1110 L
Street NW., Washington, D.C. 20005

South Carolina Department of Health and Health and Environmental Control, Bureau of Air Quality Control, 2600 Bull Street, Columbia, South Carolina 29201.

Comments should be addressed to EPA Region IV, Air Programs Branch, 345 Courtland Street, NE, Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT: Denise Pack, Air Programs Branch, EPA Region IV at the above address, 404/881-3286 (257-3286).

SUPPLEMENTARY INFORMATION: South Carolina has included in the plan several provisions relative to public notification and measures to enhance public awareness of methods which can be taken to prevent NAAQS exceedances. Such provisions include workshops, exhibits, pamphlets, and news releases. The plan also provides for measures regarding regulatory efforts. This has been proposed to be accomplished through workshops, conferences, public hearings and responding to public inquiries and public information programs.

ACTION: EPA is today approving this revision in the South Carolina plan. This is being done without prior proposal because the changes are noncontroversial and of limited impact, and no comments are anticipated. The public should be advised that this revision will be effective 60 days from the date of this notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments the approval action will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice will withdraw the final and begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Pursuant to the provisions of 5 U.S.C. section 605(b) I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it merely ratifies State actions and imposes no new burden on sources.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Under section 307(b)(1) of the Clean Air Act, judicial review of these actions