time to time, as the necessity arises, be published in the Federal Register by means of a general notice.

§ 12.104h Exempt material and articles.

The provisions of this section shall not apply to—

(a) Any archaeological or ethnological material or any article of cultural property which is imported into the United States for temporary exhibition or display if such material or article is rendered immune from seizure under judicial process initiated by the U.S. Information Agency, Office of the General Counsel and Congressional Liaison, pursuant to the Act entitled "An Act to render immune from seizure under judicial process certain objects of cultural significance imported into the United States for temporary display or exhibition, and for other purposes", approved October 19, 1965 (22 U.S.C. 2459); or

(b) Any designated archaeological or ethnological material or any article of cultural property imported into the United States if such material or article—

(1) Has been held in the United States for a period of not less than 3 consecutive years by a recognized museum or religious or secular monument or similar institution, and was purchased by that institution for value, in good faith, and without notice that such material or article was imported in violation of this title, but only if—

(i) the acquisition of such material or article has been reported in a publication of such institution, any regularly published newspaper or periodical with a circulation of at least 50,000, or a periodical or exhibition catalog which is concerned with the type of article or materials sought to be exempted from this title,

(ii) such material or article has been exhibited to the public for a period or periods aggregating at least 1 year during such 3-year period, or

(iii) such article or material has been cataloged and the catalog material made available upon request to the public for at least 2 years during such 3-year period;

(2) If paragraph (b)(1) of this section does not apply, has been within the United States for a period of not less than 10 consecutive years and has been exhibited for not less than 5 years during such period in a recognized museum or religious or secular monument or similar institution in the United States open to the public;

(3) If paragraphs (b) (1) and (2) of this section do not apply, has been within the United States for a period of not less than 10 consecutive years and the State Party concerned has received or should have received during such period fair notice (through such adequate and accessible publication, or other means, as the Secretary or his designee shall prescribe) of its location within the United States; and

(4) If none of the preceding subparagraphs apply, has been within the United States for a period of not less than 20 consecutive years and the claimant establishes that it purchased the material or article for value without knowledge or reason to believe that it was imported in violation of law.

§ 12.104i Enforcement.

In the customs territory of the United States, and in the U.S. Virgin Islands, the provisions of these regulations shall be enforced by appropriate customs officers. In any other territory or area within the United States, but not within such customs territory or the U.S. Virgin Islands, such provisions shall be enforced by such persons as may be designated by the President.

William von Raab,
Commissioner of Customs.

Approved April 2, 1985.

John M. Walker, Jr.,
Assistant Secretary of the Treasury.

[FR Doc. 85-15142 Filed 6-24-85; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 540 and 544

[Docket No. 83N-0378]

Antibiotic Drugs; Deletion of Safety Test; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a document that amended the antibiotic drug regulations by deleting the original safety test requirement for antibiotic drugs for both human and veterinary use. This document makes editorial corrections.

FOR FURTHER INFORMATION CONTACT: Joan M. Eckert, Center for Drugs and Biologics (HFN-815), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: In FR Doc. 85-11467 beginning on page 19917 in the issue for Monday, May 13, 1985, the following corrections are made on page 19922:

1. In the first column in amendment 72, "§ 540.874d(a)(1)" is inserted between "§ 540.829(a)(3)(i)(*a*)" and "540.874e(a)(1)".

2. In the third column in amendment 89 for § 544.373b(a)(1) by adding the following at the end of the amendment: "and by revising the sixth sentence to read 'the polymyxin B used conforms to the requirements prescribed for polymyxin B by § 448.30 of this chapter.' "

Dated: June 18, 1985.

Mervin H. Shumate,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 85-15212 Filed 6-24-85; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 0

[Order No. 1099-85]

Providing for the Receipt of Copies of Citizen Enforcement Complaints

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order delegates to the Assistant Attorney General, Land and Natural Resources Division, the function of receiving copies of complaints from citizens who initiate suits under subsection 7002(a)(1)(B) of the Resource Conservation and Recovery Act, as amended by the Hazardous and Solid Waste Amendments of 1984.

EFFECTIVE DATE: June 10, 1985.

FOR FURTHER INFORMATION CONTACT: Anne H. Shields, Acting Chief, Policy, Legislation and Special Litigation Section, Land and Natural Resources Division, U.S. Department of Justice, Washington, D.C. (202/633-2586).

SUPPLEMENTARY INFORMATION: Section 401 of the Hazardous and Solid Waste Amendments of 1984 amended section 7002 of the Resource Conservation and Recovery Act (RCRA) to require, upon filing of a citizen enforcement action to address conditions which "may present an imminent and substantial endangerment to health or the environment" that the plaintiff "serve a copy of the complaint on the Attorney General." The purpose of the provision is to notify the Department of Justice of the existence of the citizen suit, and of the allegations made and relief sought. Such information may assist the United

States in evaluating whether it should monitor the progress of the suit, seek leave to participate as *amicus curiae* where deemed appropriate, or seek leave to intervene, which it may do as a matter of right in such actions 49 U.S.C. 6972(d).

The provision is not intended to authorize citizen plantiffs to make the United States a party to their suit, does not affect sovereign immunity, and does not require the Attorney General to respond to or take any action regarding the complaints received.

This order delegates to the Assistant Attorney General, Land and Natural Resources Division, the exclusive authority to receive, on behalf of the Attorney General, copies of complaints served pursuant to subsection 7002(b)(2)(F) of RCRA.

List of Subjects in 28 CFR Part 0

Authority delegations (Government agencies), Organization and functions (Government agencies), Administrative practice and procedure.

PART 0—[AMENDED]

By virtue of the authority vested in me by 5 U.S.C. 301 and 28 U.S.C. 509, 510, Subpart M of Part 0 of Chapter 1 of Title 28, Code of Federal Regulations is amended as follows:

1. The authority citation for Part 0 continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510, unless otherwise noted.

2. Subpart M is amended by adding a new § 0.69c as follows:

§ 0.69c Litigation involving the Resource Conservation and Recovery Act.

(a) The authority to receive complaints served upon the Attorney General pursuant to section 401 of the Hazardous Waste Amendments of 1984 (Pub. L. 616, 98th Cong.; 42 U.S.C. 6972(b)(2)(F)) is hereby delegated to the Assistant Attorney General, Land and Natural Resources Division. Every plantiff required to serve upon the Attorney General a copy of their complaint, should do so by sending a copy of the complaint, together with all attachments thereto required by the Federal Rules of Civil Procedure and the Local Rules for the Federal District Court in which the complaint if filed, via first class mail, to the Assistant Attorney General, Land and Natural Resources Division, U.S. Department of Justice, N.W., Washington, D.C. 20530.

(b) Service pursuant to section 401 shall be deemed effective upon the date the complaint is received by the Assistant Attorney General.

Dated: June 10, 1985.

Edwin Meese III,

Attorney General.

[FR Doc. 85-14921 Filed 6-24-85; 8:45 am]

BILLING CODE 4410-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-7-FRL-2854-2]

Approval and Promulgation of State Implementation Plans: States of Missouri and Kansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of State implementation plan inadequacy and call for revisions.

SUMMARY: In this document, EPA gives notice that it has notified the Governors of the States of Missouri and Kansas that their State Implementation Plans are inadequate to attain the National Ambient Air Quality Standards for Ozone in the Kansas City Interstate Air Quality Control Region and called upon the States to submit plan revisions adequate to attain the standards. The purpose of this document is to advise the public of EPA's action.

DATE: Final plan revisions are required to be submitted to EPA by February 20, 1986.

ADDRESS: The information on which this decision was based is available from the Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Daniel J. Wheeler, 816-374-3791, (FTS) 785-3791.

SUPPLEMENTARY INFORMATION:

Background

The Clean Air Act Amendments of 1977 require all areas of the country to be designated as attaining or not attaining the National Ambient Air Quality Standards (NAAQS). They further require that each state where there is a nonattainment area revise its State Implementation Plan (SIP) to provide for attainment in that nonattainment area by December 31, 1982, or in some cases by December 31, 1987.

The Kansas City Metropolitan Area was subsequently designated nonattainment for the ozone NAAQS. In response, the States of Kansas and Missouri submitted plan revisions designed to reduce ambient ozone levels to below the standards by December 31, 1982. These revisions were reviewed and approved by EPA as parts of the Missouri and Kansas SIPs.

Findings

The 1983 air quality data reports of the Missouri Department of Natural Resources (MDNR) and the Kansas Department of Health and Environment (KDHE) indicated that the ozone standard was exceeded three times at one site and once at another site in 1983. Because of a possibility of 1983 being an unsual year meteorologically and because the ozone standard, as defined at 40 CFR Part 51 Appendix H, would allow up to three exceedances at one site in a three year period, it was decided that EPA would wait for an additional year of monitoring before deciding whether the standard had been attained.

The monitoring report for 1984 indicated three more exceedances at the site with the highest readings, making six in two years. The standard was also exceeded six times at three other sites.

It was then determined that the Missouri and Kansas SIPs are inadequate to attain the ozone standard in the Kansas City Metropolitan Area. The basis for this finding of inadequacy is that, despite fully implemented SIPs which projected attainment in 1982, this area is still experiencing violation of the ozone standard.

Call For SIP Revisions

On February 20, 1985, EPA notified Governor John Carlin of Kansas and Governor John Ashcroft of Missouri of the above finding and called upon the states to cure the inadequacies in the State Implementation Plans by revising them. The call for revisions applies to the Missouri counties of Clay, Jackson and Platte, and to the Kansas counties of Johnson and Wyandotte. The call was issued pursuant to the authority of Section 110(a)(2)(H) of the Clean Air Act (42 U.S.C. 7410(a)(2)(H)).

The letters to the governors required the submission of the plan revision within one year. The letters also required a schedule for the development of the necessary plan revisions within 60 days. Both states have submitted schedules showing the logical and necessary progression of events leading to the submission of plan revisions by February 20, 1986.

This call for revisions was issued in accordance with the EPA policy entitled "Compliance with the Statutory Provisions of Part D of the Clean Air Act," published November 2, 1983 (48 FR 50686). This policy describes the actions which must be taken when an area is found to have failed to attain the standards. The "Guidance Document for the Correction of Part D SIPs for Nonattainment Areas" (January 1984) contains more information on the content of the required plan revisions.

(Sec. 110 and sec. 301 of the Clean Air Act (42 U.S.C. 7410 and 7601))

Dated: June 6, 1985.

Morris Kay,

Regional Administrator.

[FR Doc. 85-15232 Filed 6-24-85; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[EPA Docket Number AM055MD A-3-FRL-2854-5]

Approval and Promulgation of Implementation Plans Approval of a Revision to the Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Maryland Air Management Administration (MAMA) has submitted amendments to its air quality control regulations and has requested that they be reviewed and processed by EPA as a revision to the Maryland State Implementation Plan (SIP). This revision, submitted on March 14, 1984, amends existing Fuel Burning Equipment and Stationary Internal Combustion Engine regulations. The main purpose of these amendments is to provide an exception procedure for persons wishing to construct and operate small solid fuel burning equipment. Other amendments involve rearranging existing language and correcting an error in the codification of the regulations. This notice summarizes the amendments which EPA is approving today as the revision meets all of the requirements of section 110(a)(2) of the Clean Air Act and the Code of Federal Regulations (40 CFR Part 51).

EFFECTIVE DATE: July 25, 1985.

ADDRESSES: Copies of the revision and the accompanying support documents are available during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III, Air Programs Branch (3AM10), 841 Chestnut Building, Philadelphia, PA 19107, Attn: Patricia S. Gaughan

Maryland Air Management Administration, Maryland Department of Health and Mental Hygiene, 201 West Preston Street, Baltimore, MD 21201, Attn: George Ferreri, Director

Public Information Reference Unit, U.S. Environmental Protection Agency, EPA Library, Room 2922, 401 M Street SW., Washington, D.C. 20460

Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20480.

FOR FURTHER INFORMATION CONTACT: Ms. Jacqueline Pine at the address for EPA Region III, or telephone (215) 597-4554.

SUPPLEMENTARY INFORMATION:

Background

On March 14, 1984, the MAMA submitted to EPA Region III amendments to its Cod Of Maryland Regulations (COMAR) for the Control of Fuel Burning Equipment and Stationary Internal Combustion Engines (COMAR 10.18.09). EPA proposed approval of these amendments to the Maryland SIP is the **Federal Register** on January 7, 1985. (50 FR 862). No comments were received regarding the proposed amendments during the 30-day comment period. The MAMA provided proof that, after adequate public notice, public hearings were held on December 15 and December 16, 1983 in Cumberland and Baltimore, Maryland regarding these amendments.

EPA Evaluation

The major purpose of these amendments is to provide an exception procedure for persons wishing to construction and operate small solid fuel burning equipment. In the Metropolitan Baltimore and National Capitol regions (Areas III and IV respectively), the exception procedure will be applicable to solid fuel burning equipment that has a rated heat input of less than 35 million BTU (37 gigajoules) per hour. In the rest of the State, the exception procedure will be applicable to solid fuel burning equipment that has a rated heat input of less than 13 million BTU (13.7 gigajoules) per hour. Construction and operation of these small boilers are prohibited under the existing regulations.

The amendments also establish particulate matter emission standards for these small boilers. Other amendments are not substantive, and simply correct a codification error and rearrange existing language. The amendments and EPA's evaluation are as follows:

A. COMAR 10.18.09.04 Prohibition of Certain New Fuel Burning Equipment

Regulation .04 is amended to allow an opportunity for a source to request an exception to the prohibition of small solid fuel burning equipment. The prohibited sizes are less than 35 million BTU per hour for Areas III and IV, and less than 13 million BTU per hour for Areas I, II, V, and VI (the remainder of the State). The exception procedure involves submitting an application to the Maryland Air Management Administration (MAMA) to assess the potential impact of the new or modified solid fuel burning equipment. The application shall include a description of the proposed construction or modification, including the type and manufacturer of the fuel burning equipment, fuel specifications, expected annual fuel consumption, type and manufacturer of any control equipment, stack height, and a contour map of the area noting property lines and a description of the surrounding terrain.

The MAMA shall make a preliminary determination to proceed with the processing of an application, and notify the applicant of this decision within 10 days. The applicant shall then notify the public of their request for an exception, and allow for a 30-day comment period. The MAMA will review each application on a case-by-case basis. The review procedures must determine that there will be no violation of ambient air quality standards or Prevention of Significant Deterioration (PSD) requirements. In addition, there must be no violation of applicable emission standards, a minimum potential for the creation of a nuisance, and reasonable assurance of fuel quality control. The review procedures also provide for an air quality impact evaluation of each exception, including impacts on PSD and nonattainment areas. By letter of November 29, 1984, the MAMA clarified that exempted sources would still be subject to new source review permitting requirements to the extent applicable.

Within 60 days after the public comment period, the MAMA will issue its final determination in the form of an order. If an application is approved, the order will specify any reasonable control measures to be taken by the source to minimize emissions. The opportunity to request an exception will be made available to new sources and existing sources that have been constructed since 1972. Existing sources constructed prior to 1972 were not subject to the prohibited size regulation and may continue with solid fuel burning, provided that emission standards are met. Replacement or reconversion of these existing units, however, constitutes a new source construction and the prohibition regulation would apply. The MAMA has estimated that approximately six small solid fuel burning units will be