

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Lasalocid

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration is amending the animal drug regulations for use of lasalocid in free-choice pasture cattle feeds to emphasize that each use of lasalocid to make Type C free-choice feeds must be the subject of an approved new animal drug application (NADA) or supplemental NADA. In addition, the regulations are amended to insert certain portions of the regulation inadvertently not previously included.

EFFECTIVE DATE: October 21, 1986.

FOR FURTHER INFORMATION CONTACT:

Richard P. Lehmann, Center for Veterinary Medicine (HFV-120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3134.

SUPPLEMENTARY INFORMATION:

Hoffmann-La Roche, Inc., Nutley, NJ 07110, is sponsor of approved NADA 96-298 which provides for use of 15-, 20-, 33.1- and 50-percent lasalocid Type A articles to make 10- to 30-gram-per-ton Type C lasalocid feeds for beef cattle and sheep. In codifying the approved uses in 21 CFR 558.311, FDA inadvertently failed to amend paragraphs (a) (1) and (3) to include all uses of the Type A articles. In addition, the use of a lasalocid Type C feed as a free-choice cattle feed (paragraph (d)(11)) has been subject to misinterpretation. The regulation is amended to include all approved uses and to further clarify the approved use as a free-choice cattle feed.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.
Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

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

Authority: Sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b); 21 CFR 5.10 and 5.83.

§ 558.311 [Amended]

2. Section 558.311 *Lasalocid* is amended in paragraph (a)(1) by revising the phrase "(d) (1), (2), (3), and (4)" to read "(d) (1), (2), (3), (4), and (10);" in paragraph (a)(3) by revising the phrase "(d) (6) and (7)" to read "(d) (6), (7), (9), and (11) and for sheep as in paragraph (d)(8);" and in paragraph (d) in the table in item (11) in the fourth column under "Limitations" by adding at the end of the text the phrase "Each use in a free-choice Type C feed must be the subject of an approved NADA or supplemental NADA as provided in § 510.455 of this chapter."

Dated: October 15, 1986.

Marvin A. Norcross,

Associate Director for New Animal Drug Evaluation.

[FR Doc. 86-23682 Filed 10-20-86; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 19

[T.D. ATF-237; Re: Notice No. 580]

Labeling of Distilled Spirits in Percent-Alcohol-by-Volume

Correction

In FR Doc. 86-22969 beginning on page 36392 in the issue of Friday, October 10, 1986, make the following correction: On page 36395, in the third column, in amendatory instruction 9, in the first line, the date should read, "October 10, 1988".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 934

Amendments to the North Dakota Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Final rule.

SUMMARY: The Director, OSMRE is announcing the approval of proposed amendments submitted by the State of North Dakota as modifications to its permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

The amendments, submitted May 30, 1986, include modifications to the State's regulations concerning the following subject areas: Coal preparation and coal preparation plants; sedimentation pond removal prior to the end of the revegetation liability period; suitable plant growth material; and backfilling and grading.

After providing opportunity for public comment and conducting a thorough review of the proposed amendments, the Director has determined that the proposed modifications meet the requirements of SMCRA and Federal regulations. He is, therefore, approving the proposed amendments as submitted on May 30, 1986. The Federal rules at 30 CFR Part 934 codifying decisions concerning the North Dakota program are being amended to implement this action.

The final rule is being made effective immediately to expedite the State program amendment process and to encourage States to conform their programs with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

EFFECTIVE DATE: October 21, 1986.

FOR FURTHER INFORMATION CONTACT:

Mr. Jerry R. Ennis, Director, Office of Surface Mining Reclamation and Enforcement, Casper Field Office, Federal Building, 100 East B Street, Room 2128, Casper, Wyoming 82601-1918; Telephone: (307) 261-5776.

SUPPLEMENTARY INFORMATION:

I. Background

Information concerning the general background on the permanent program, general background on the State program approval process, general background on the North Dakota program submission, Secretary's findings, disposition of public comments, and Secretary's decision of conditional approval can be found in the December 15, 1980 Federal Register (45 FR 82214). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 934.11 and 934.15.

II. Submission of Amendments

On May 30, 1986, the State of North Dakota submitted proposed amendments to its approved permanent regulatory program. The amendment package consists of revisions to the approved North Dakota regulations. The amended sections of the regulations, North Dakota Administrative Code

(NDAC), and brief description of the amended subject areas are as follows: Section 69-05.2-01-02 (11) and (12)—new definitions of "coal preparation" and "coal preparation plant", and deletion of definition of "coal processing plant"; sections 69-05.2-09-19 and 69-05.2-13-13—new permit application requirements and performance standards for coal preparation plants; sections 69-05.2-16-04(1)(b) and 69-05.2-16-09(22)—criteria for allowing the removal of sedimentation ponds and other treatment facilities prior to the end of the revegetation responsibility period; section 69-05.2-15-01—proposed repeal of language governing suitable plant growth material; sections 69-05.2-15-02, -03(2), and -04—revised regulations governing the removal, storage and protection, and redistribution of suitable plant growth material; section 69-05.2-21-03—revised backfilling and grading requirements for covering exposed coal seams and toxic-forming and combustible materials; and section 69-05.2-08-05(2)(c)(5)—addition of saturation percentage to overburden analysis requirements.

The June 19, 1986 Federal Register announced receipt of the proposed amendments and invited public comment (51 FR 22307). The public comment period ended July 21, 1986. A public hearing scheduled for July 14, 1986 was not held since no person requested the hearing.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the proposed amendments submitted to OSMRE by the State of North Dakota on May 30, 1986. The Director finds that the amended provisions meet the requirements of SMCRA and 30 CFR Chapter VII. The Director may require further changes in the future as a result of the ongoing review of the North Dakota program in light of Federal regulatory revisions and court decisions.

1. NDAC 69-05.2-01-02 (11) and (12)

North Dakota has added new definitions of "coal preparation" and "coal preparation plant" at 69-05.2-01-02 (11) and (12) to correspond to similar changes in the Federal definitions at 30 CFR 701.5. The new definitions do not exclude processes and facilities which do not separate coal from its impurities, and specifically include those involved with the chemical or physical processing and the cleaning, concentration, or other processing or preparation of coal. The new definition of "coal preparation plant" replaces the State's previous

definition of "coal processing plant". The Director finds the new State definitions at 69-05.2-01-02 (11) and (12) no less effective than the revised Federal definitions at 30 CFR 701.5.

2. NDAC 69-05.2-09-19

North Dakota has added a new section 69-05.2-09-19 specifying permit application requirements for operations and reclamation plans for coal preparation plants not located within the permit area of a mine to correspond to similar amendments to the Federal rules at 30 CFR 785.21(d) and (e), and existing rules at 30 CFR 785.21 (a), (b), and (c). Specifically, the new regulations require that a permit to operate must be obtained from the commission; that the application for a permit for operations shall contain an operation and reclamation plan; that no permit shall be issued for an operation without written findings by the commission; that persons who operate coal preparation plants not previously subject to this rule shall apply for a permit within 120 days after the rule becomes effective; and that under certain circumstances a person operating a coal preparation plant not subject to this rule prior to the effective date of approval may continue to operate without a permit. The Director finds the new State regulations at 69-05.2-09-19 no less effective than the Federal regulations at 30 CFR 785.21.

3. NDAC 69-05.2-13-13

North Dakota has added a new section 69-05.2-13-13 specifying general requirements for performance standards for coal preparation plants not located within the permit area of a mine to correspond to similar amendments to the Federal rules at 30 CFR 827.12. Specifically, the new regulations require each person who operates a coal preparation plant not within the permit area for a specific mine, other than those plants which are located at the site of ultimate coal use, to obtain a permit and a bond, and comply with the following State regulations for signs and markers; stream channel diversions; drainage; permanent impoundments; dams constructed of or impounding coal processing waste; disposal of coal processing waste, non-coal mine waste, and excess spoil; protection of fish, wildlife, and related environmental values; support facilities; roads; cessation of operations; control of erosion and attendant air pollution; avoidance of underground mine areas; and reclamation. The Director finds the new State regulations at 69-05.2-13 no less effective than the Federal regulations at 30 CFR 827.12.

4. NDAC 69-05.2-16-04(1)(b) and 69-05.2-16-09(22)

North Dakota has revised section 69-05.2-16-04(1)(b) hydrologic balance performance standards for water quality standards and effluent limitations and section 69-05.2-16-09(22) hydrologic balance performance standards for sedimentation ponds to correspond to similar changes in the Federal rules at 30 CFR 816.46(b)(5). Specifically, the revised regulations allow sedimentation pond and other treatment facility removal when authorized by the Commission and the disturbed area has been stabilized and revegetated. Additionally, the structure shall not be removed sooner than two years after the last augmented seeding, unless the last augmented seeding is a supplemental seeding into an established vegetation stand that is effectively controlling erosion.

The Federal rule at 30 CFR 816.46(b)(5) requires satisfaction of two similar, separate tests for siltation structure removal; however, it does not contain the exception to the timeframe of the last augmented seeding, as does the North Dakota amendment. The Director finds that, since the purpose of siltation structures is to prevent additional contributions to the streamflow that are caused by mining disturbances, and North Dakota requires that the disturbed area be stabilized and revegetated prior to sedimentation pond removal and Phase II bond release, the intent of the Federal rule is met by North Dakota's provisions. Further, North Dakota's "last augmented seeding" is the seeding that actually provides established vegetation that is effectively controlling erosion. Since North Dakota's exception specifies that the supplemental seeding must be into an established vegetation stand that is effectively controlling erosion, it is a normal husbandry practice and has no effect on the sedimentation pond removal timeframe.

The Director's decision is also based on the interpretation that North Dakota will be required to restart the extended revegetation liability period if any further augmented seeding occurs beyond the last augmented seeding under NDAC 69-05.2-22-07, including any supplemental seeding for the purpose of obtaining desired seasonality and diversity, which are not considered normal husbandry practices.

OSMRE will be evaluating closely the State's application of this provision as part of its ongoing program oversight process to ensure that the State's

application of this requirement is no less effective than the Federal provisions.

The Director, therefore, finds the revised State regulations at 69-05.2-16-04(1)(b) and 69-05.2-16-09(22) no less effective than the Federal regulations at 30 CFR 816.46(b)(5).

5. NDAC 69-05.2-15-01

North Dakota has proposed to repeal 69-05.2-15-01 general requirements for performance standards for suitable plant growth material. The Director finds that the deletion of 69-05.2-15-01 does not render the North Dakota program less effective than 30 CFR 816.22. All substantive requirements are contained in 69-05.2-15-02, -03, and -04.

6. NDAC 69-05.2-15-02

North Dakota has revised section 69-05.2-15-02 performance standards for removal of suitable plant growth material. Specifically, subsections 1, 2, and 3 involving timing, materials to be removed and saved, and materials to be removed in shallow suitable plant growth material situations, respectively, were primarily rewritten for clarity. Additionally, subsection 1 includes material deleted from 69-05.2-15-01; subsection 2(b) provides new language which requires all topsoil to be removed from all areas to be disturbed except in areas of minor disturbances which occur at the site of small structures, and sufficient topsoil to be removed from all areas to be disturbed to satisfy redistribution requirements; and subsection 3 allows the commission more discretion when specifying the materials to be removed in shallow suitable plant growth material situations. New subsection 4 adds a provision for an exemption for suitable plant growth material removal for minor disturbances. Subsection 5(a) revises required analysis and demonstration requirements for topsoil supplements. Subsection 5(b) contains minor changes for clarity. New subsection 5(c) specifies requirements for subsoil substitutes. Subsection 5(d) includes the requirements for substitute materials in addition to supplemental materials. Existing subsection 5 has been proposed for deletion as it is redundant with North Dakota Century Code (NDCC) 38-14.1-24(4). The Director finds the revised regulations at 69-05.2-15-02 no less effective than the Federal regulations at 30 CFR 816.22.

7. NDAC 69-05.2-15-03(2)

North Dakota has revised section 69-05.2-15-03(2) performance standards for storage and protection of suitable plant growth material. Specifically, subsection 2, involving suitable plant growth

material to be stockpiled, has been rewritten for clarity. The Director finds the revised regulations at 69-05.2-15-03 no less effective than the Federal regulations at 30 CFR 816.22.

8. NDAC 69-05.2-15-04

North Dakota has proposed significant revisions to section 69-05.2-15-04 performance standards for redistribution of suitable plant growth material, in particular with the addition of a new subsection 4 concerning the amount of suitable plant growth material to be redistributed. The other subsections contain only minor revisions. There is no specific Federal counterpart to North Dakota's proposed subsection 4.

The new provision allows the operator to use either the existing suitable plant growth material redistribution requirements based on the inventory and soil survey, or the new requirements based on the graded soil characteristics which include texture, sodium adsorption ratio, and saturation percentage, and corresponding total redistribution thicknesses. Subsection 4(a)(2)(a) relates the amount of suitable plant growth material to be salvaged and respread to the chemical and physical characteristics of the graded spoil material. This proposal is supported by considerable agricultural research in North Dakota, summarized in North Dakota State University Agricultural Experiment Station Bulletin 514, *Soil Replacement for Reclamation of Stripmined Lands in North Dakota*, July 1984. Subsection 4(a)(2)(b) provides for spoil properties of the graded spoil to be determined by a commission evaluation. Subsection 4(a)(2)(c) provides for review of the new proposed standards prior to the year 1992 to evaluate their effectiveness.

The redistribution of suitable plant growth materials according to this new provision should result in improved reclamation and increased productivity of desired species. The Director finds the revised regulations at 69-05.2-15-04 no less effective than the Federal regulations at 30 CFR 816.22.

9. NDAC 69-05.2-21-03

North Dakota has revised section 69-05.2-21-03 backfilling and grading performance standards for covering coal and toxic-forming materials to correspond to similar changes in the Federal regulations at 30 CFR 816.102(f). The proposed revisions require exposed coal seams and toxic-forming and combustible materials to be adequately covered with nontoxic and noncombustible materials rather than by a specific minimum of four feet of material. The Director finds the revised

regulations at 69-05.2-21-03 no less effective than the Federal regulations at 30 CFR 816.102(f).

10. NDAC 69-05.2-08-05(2)(c)(5)

North Dakota has revised section 69-05.2-08-05(2)(c)(5) permit application requirements for geology description of the permit area. Specifically, North Dakota has added saturation percentage to overburden analysis requirements at subsection (2)(c)(5) to support revised 69-05.2-15-04(4) and 69-05.2-21-03. There is no direct Federal counterpart to the State's proposed requirement. The Director finds the revised regulations at 69-05.2-08-05(2)(c)(5) no less effective than the Federal regulations at 30 CFR 780.22.

IV. Public Comments

The Director solicited public comment on the proposed amendments in the June 19, 1986 Federal Register (51 FR 22307). No comments were received.

Pursuant to section 503(b) of SMCRA and 30 CFR 732.17(h)(10)(i), comments were also solicited from various Federal agencies. No substantive comments were received from the respondents.

V. Director's Decision

The Director, based on the above findings, is approving the proposed amendments to the North Dakota program, as submitted on May 30, 1986. The Federal rules at 30 CFR Part 934 are being amended to implement this decision.

VI. Procedural Requirements

1. *Compliance with the National Environmental Policy Act.* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act.* On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

This rule will not impose any new requirements; rather, it will ensure that

existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act.* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 934

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: October 14, 1986.

James W. Workman,

Deputy Director, Operations and Technical Services, Office of Surface Mining Reclamation and Enforcement.

PART 934—NORTH DAKOTA

30 CFR Part 934 is amended as follows:

1. The authority citation for Part 934 continues to read as follows:

Authority: Sec. 503, Pub. L. 95-87 (30 U.S.C. 1253), unless otherwise noted.

2. 30 CFR Part 934.15 is amended by adding a new paragraph (g) as follows:

§ 934.15 Approval of amendments to State regulatory program.

* * * * *

(g) The following amendments to the North Dakota permanent regulatory program, submitted to OSMRE May 30, 1986, are approved effective October 21, 1986.

(1) Addition of definitions to NDAC 69-05.2-01-02 (11) and (12) for "coal preparation" and "coal preparation plant", and deletion of the definition of "coal processing plant";

(2) Addition of NDAC 69-05.2-09-19 and 69-05.2-13-13 concerning permit application requirements and performance standards for coal preparation plants not located within the permit area of a mine;

(3) Modifications to NDAC 69-05.2-16-04(1)(b) and 69-05.2-16-09(22) concerning criteria for the removal of sedimentation ponds and other treatment facilities;

(4) Repeal of NDAC 69-05.2-15-01 concerning general requirements for performance standards for suitable plant growth material;

(5) Modifications to NDAC 69-05.2-15-02, 03(2), and 04 concerning the removal, storage and protection, and redistribution of suitable plant growth material;

(6) Modifications to NDAC 69-05.2-21-03 concerning revised backfilling and grading requirements for covering exposed coal seams and toxic-forming and combustible materials; and

(7) Modifications to NDAC 69-05.2-08-05(2)(c)(5) concerning addition of saturation percentage to overburden analysis requirements.

[FR Doc. 86-23724 Filed 10-20-86; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 162

[CGD 85-060]

Inland Waterway Navigation Regulations; Connecting Waters From Lake Huron to Lake Erie

AGENCY: Coast Guard, DOT.

ACTION: Final rule; technical amendment.

SUMMARY: The Coast Guard is amending the Inland Waterways Navigation Regulations for the connecting waters between Lake Huron and Lake Erie to update the name of the light at the junction of the St. Clair and Black Rivers. This amendment will bring the regulation into agreement with current Coast Guard and National Oceanic and Atmospheric Administration (NOAA) charts.

EFFECTIVE DATE: October 21, 1986.

FOR FURTHER INFORMATION CONTACT:

Mr. Michael J. Powers, Office of Navigation, (202) 267-0415. Normal working hours are from 7:30 a.m. to 4:00 p.m., Monday through Friday, except Federal Holidays.

SUPPLEMENTARY INFORMATION: In the May 8, 1986 issue of the *Federal Register* (51 FR 17013), the Coast Guard published a rule, which among other matters, concerned a reporting requirement at the "Black River Entrance Light". After the rule was published, the Coast Guard was informed that the "Black River Entrance Light" was now named the "St. Clair/Black River Junction Light." The location of the light has not changed. This document reflects that change in the name by updating Table I in 33 CFR Part 162.

Since this change is merely editorial in nature, notice and public procedure thereon is unnecessary and it may be made effective in less than 30 days. In addition, the action in this document would not change the Regulatory Evaluation contained in the final rule published on May 8, 1986.

List of Subjects in 33 CFR Part 162

Navigation (water), Waterways.

In consideration of the foregoing, Part 162 of Title 33 is amended as follows:

1. The authority citation for Part 162 continues to read as follows:

Authority: 33 U.S.C. 1231; 49 CFR 1.46(n)(4).

2. By amending Table I in § 162.132 by changing the words "Black River Entrance Light" in the second column under the heading "Reporting Points", to the words: "St. Clair/Black River Junction Light". Table I is revised to read as follows:

§ 162.132 Connecting waters from Lake Huron to Lake Erie; communication rules.

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(e) * * *

TABLE I

Downbound vessels	Reporting points	Upbound vessels
Report.....	30 Minutes North of Lake Huron Cut.	
Report.....	Lighted Horn Buoy "11"	
Report.....	Lake Huron Cut Light "7"	Report.
Report.....	Lake Huron Cut Lighted Buoy "11"	Report.
Report.....	St. Clair/Black River Junction Light.	Report.
Report.....	Stag Island Upper Light.....	Report.
Report.....	Marine City Salt Dock Light.....	Report.
Report.....	Grande Pointe Light "23"	Report.
Report.....	St. Clair Flats Canal Light "2"	Report.
Report.....	Lake St. Clair Light.....	Report.
Report.....	Belle Isle Light.....	Report.
Report.....	Grassy Island Light.....	Report.
Report.....	Detroit River Light.....	Report.

* * * * *

Dated: October 7, 1986.

Martin H. Daniell,

Chief, Office of Navigation.

[FR Doc. 86-23641 Filed 10-20-86; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[A-7-FRL-3091-7]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; State of Kansas; Section 111(d) Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The state of Kansas has submitted its plan for the control of sulfuric acid mist emissions from existing sulfuric acid production plants. This plan was submitted in response to section 111(d) of the Clean Air Act, which requires states to establish emission controls for existing sources which would be subject to EPA's new source performance standards if these

sources were new sources. This notice advises the public that EPA takes final action to approve Kansas' 111(d) plan.

EFFECTIVE DATE: This action will be effective December 22, 1986, unless notice is received within 30 days that adverse or critical comments will be submitted.

ADDRESSES: Comments should be sent to Deann K. Hecht, Environmental Protection Agency, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101. The state submission is available for inspection during normal business hours at the above address and at the Kansas Department of Health and Environment, Forbes Field, Topeka, Kansas 66620.

FOR FURTHER INFORMATION CONTACT: Deann K. Hecht at (913) 236-2893, FTS 757-2893.

SUPPLEMENTARY INFORMATION:

I. Plan Requirements

Section 111 of the Clean Air Act provides authority for EPA to establish standards of performance for new stationary sources of air pollution. Section 111(d) and 40 CFR Part 60, Subpart B, require that each state adopt and submit a plan for the control of designated pollutants from existing facilities. Designated pollutants do not include those for which air quality criteria have been established or which are already listed under section 108(a), relating to development of air quality criteria for certain pollutants, or section 112(b)(1)(A), Hazardous Air Pollutants. After promulgation of a standard of performance for a designated pollutant from an affected facility, EPA publishes an applicable emission control guideline document and then publishes a notice in the Federal Register as to its availability. The state must submit its section 111(d) plan within nine months after the final guideline notice of availability. If there are no such designated facilities located within a state, the state is required to submit a letter of certification to that effect; i.e., a negative declaration.

The requirements for section 111(d) plans are contained in 40 CFR 60.23 through 60.26. The state is required to give proper notification and conduct at least one public hearing. The plan must contain emission standards and compliance schedules. The emission standards must be at least as stringent as those required by the federal guideline with certain case-by-case exemptions. The plan must also include an inventory of all designated facilities, including emissions data for the designated pollutants. The state must demonstrate that it has adequate legal

authority to carry out the plan. For a complete description of the plan requirements, the reader is referred to the above-mentioned sections of the Code of Federal Regulations. Part 62 of the CFR provides the procedural framework for the submission of these plans.

II. Review of the State Submittal

On February 28, 1986, the state of Kansas submitted a plan for the control of sulfuric acid mist emissions from existing sulfuric acid production plants. On May 1, 1985, the state of Kansas submitted rule K.A.R. 28-19-26 for the control of sulfuric acid production plants. The public hearing was held on November 2, 1984, with proper public notice and participation. The state's sulfuric acid mist emission limit in rule K.A.R. 28-19-26 is 0.5 pounds of sulfuric acid mist per ton of acid produced. This is identical to the limit contained in EPA's "Final Guideline Document: Control of Sulfuric Acid Mist Emissions from Existing Sulfuric Acid Production Units" (EPA-450/2-77-019).

The state has adopted, by reference, EPA's compliance test methods for sulfuric acid mist emissions as specified in 40 CFR Part 60, Appendix A. There is one sulfuric acid production plant in Kansas and it is in compliance with the emission limit. Therefore, the state's plan does not include a compliance schedule.

The state's plan includes an inventory of the designated facility, including emission data for the designated pollutants. Additional inventory data are maintained on EPA's National Emissions Data System (NEDS), which is updated periodically. The state's section 111(d) emission inventory meets the requirements of 40 CFR 60.25 and 40 CFR Part 60, Appendix D. The state has identified reporting and recordkeeping requirements contained in the Kansas Air Pollution Control law, which were previously approved under section 110 of the Act.

III. EPA Action

Today's notice takes final action to approve the state of Kansas' section 111(d) plan for the control of sulfuric acid mist emissions from existing sulfuric acid production plants.

EPA believes this submission is noncontroversial and is taking final action to approve it without prior proposal. The public should be advised that this action will be effective within 60 days from today. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be

published before the effective date. One notice will withdraw final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under 5 U.S.C. 605(b), I hereby certify that this section 111(d) plan will not have a significant economic impact on a substantial number of small entities.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit within 60 days from today. This action may not be challenged later in proceedings to enforce its requirement (see section 307(b)(2)).

List of Subjects in 40 CFR Part 62

Air pollution control, Fluoride, Administrative practice and procedure, Intergovernmental relations, Reporting and recordkeeping requirements, Phosphate, Aluminum, Fertilizers, Paper and paper products industry, Sulfuric oxides, Sulfuric acid plants.

Dated: September 29, 1986.

Lee M. Thomas,
Administrator.

PART 62—[AMENDED]

Part 62 of Chapter I, Title 40 of the Code of Federal Regulations, is amended as follows:

Subpart R—Kansas

1. The authority citation for Part 62 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Subpart R is amended by adding § 62.4175 and the undesignated center heading preceding the section to read as follows:

Sulfuric Acid Mist From Existing Sulfuric Acid Production Plants

§ 62.4175 Identification of plan.

(a) *Identification of Plan.* State of Kansas Implementation Plan for Control of Sulfuric Acid Mist from Existing Sulfuric Acid Plants.

(b) The Plan was officially submitted on February 6, 1986.

(c) *Identification of Sources.* The Plan applies to existing facilities at the following existing sulfuric acid plant: (1) Koch Sulfur Products, DeSoto, Kansas.

[FR Doc. 86-22830 Filed 10-20-86; 8:45 am]

BILLING CODE 6560-50-M