required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. This action was considered under FDA's final rule implementing the National Environmental Policy Act (21 CFR Part 25).

List of Subjects in 21 CFR Part 524

Animal drugs.

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 524 is amended as follows:

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

1. The authority citation for 21 CFR Part 524 continues to read as follows:

Authority: Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)); 21 CFR 5.10 and 5.83.

2. New § 524.1465 is added to read as follows:

§ 524.1465 Mupirocin ointment.

(a) *Specifications.* Each gram contains 20 milligrams of mupirocin.

(b) *Sponsor.* See No. 000029 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Dogs*:

(i) *Indications for use.* Topical treatment of bacterial infections of the skin, including superficial pyoderma, caused by susceptible strains of *Staphylococcus aureus* and *Staphylococcus intermedius.*

(ii) *Limitations.* Apply twice daily. Treatment should not exceed 30 days. Because of potential hazard of nephrotoxicity due to polyethylene glycol content, care should be exercised in treating deep lesions. Safety of use in pregnant or breeding animals has not been determined. Not for ophthalmic use. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(2) [Reserved]

Dated: September 28, 1988.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 88-22854 Filed 10-4-88; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 916

Approval of Amendment to the Kansas Permanent Regulatory Program

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

ACTION: Final rule.

SUMMARY: OSMRE is announcing the approval of a program amendment submitted by Kansas as a modification to the State's permanent regulatory program (hereinafter referred to as the Kansas program) and abandoned mine land reclamation (AMLR) plan under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment abolishes of the Mined Land Conservation and Reclamation Board (MLCRB) and transfers the program to the Kansas Department of Health and Environment (KDHE), Division of Environment, Bureau of Waste Management, Surface Mining Section to improve operational efficiency.

EFFECTIVE DATE: July 1, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Kovacic, Director, Kansas City Field Office, Office of Surface Mining Reclamation and Enforcement, 1103 Grand Avenue, Room 502, Kansas City, Missouri 64106; Telephone: (816) 374-5527.

SUPPLEMENTARY INFORMATION:

I. Background

The Secretary of the Interior approved the Kansas program on January 21, 1981 (46 FR 5892). Information pertinent to the general background and revisions to the permanent program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Kansas program, can be found in the January 21, 1981, **Federal Register** (46 FR 5892). Subsequent actions concerning proposed amendments are codified at 30 CFR 916.12, 916.15, and 916.16.

II. Submission of Amendments

On April 29, 1988, (Administrative Record No. KS-424) Kansas proposed to amend its permanent regulatory program and AMLR plan by abolishing the MLCRB and transfering its functions and staff to the KDHE. House Bill No. 3009 amends the following Sections of the Kansas Statutes Annotated (K.S.A.): 49-402, 49-404, 49-405, 49-405a, 49-405b, 49-405c, 49-405d, 49-407, 49-408, 49-409, 49-410, 49-413, 49-415, 49-416, 49-416a, 49-417, 49-420, 49-421a, 49-426, 49-427, 49-428, 49-429, 49-432, and 49-433 and K.S.A. 1987.

The Director announced receipt of the Proposed amendments in the June 8, 1988, **Federal Register** (53 FR 21494) and, in the same notice, opened the public comment period and provided an opportunity for a public hearing on its substantive adequacy. No public comments were received by July 8, 1988, the close of the comment period. The public hearing, scheduled for July 5, 1988, was not held because no one requested an opportunity to testify.

III. Director's Findings

The Director finds, in accordance with SMCRA and 30 CFR 732.15 and 732.17, that the amendment submitted by Kansas on April 29, 1988, meets the requirements of SMCRA and 30 CFR Chapter VII as discussed below.

Reorganization of Regulatory Authority

House Bill 3009 eliminates the Kansas MLCRB and transfers its office and responsibilities to the KDHE. Section 1 ensures that the KDHE will be the successor to the powers, duties, and functions of the MLCRB, abolishes the office of the MLCRB executive director, and provides for the continued effectiveness of all rules, regulations, permits, orders, and directives. Section 2 ensures that the funds appropriated to the State Corporation Commission for the activities of the MLCRB are transferred to the KDHE for the purpose of the original appropriation. Sections 3 and 4 provide for the succession by KDHE of property, records, and judicial proceedings of the MLCRB. Section 5 transfers the existing officers and employees of the MLCRB to the KHDE. Section 6 through 32 record the name changes of the regulatory authority from the MLCRB to the Secretary, the KDHE, the authorized representative, or the hearing officer and includes certain nonsubstantive minor editorial changes for improved clarity and accuracy.

The Federal regulations at 30 CFR 732.17(b)(2) stipulate that the State shall promptly notify the Director, in writing, of any changes in the authority of the regulatory authority to implement, administer or enforce the approved program. As noted above, Kansas formally notified OSMRE of the impending transfer of the regulatory authority by letter dated April 29, 1988. The Kansas program amendment includes no substantive changes except for the transfer of the regulatory authority.

After reviewing the document submitted by Kansas, the Director has determined that the designation of the new regulatory authority meets the requirements of SMCRA and the Federal regulations since the program will retain current resources, staffing levels and regulations. Therefore, the Director finds that the newly designated regulatory authority has the capability to implement, administer and enforce the approved program provisions consistent with section 503(a) of SMCRA and 30 CFR 732.15(b).

Abandoned Mine Land Reclamation Program

House Bill 3009 makes no substantive changes in the Kansas abandoned mine land reclamation (AMLR) program other than the reorganization of the regulatory authority. Section 1 provides that the KDHE will be the successor to the powers, duties, and functions of the MLCRB. Section 2 provides that the funds appropriated to the State Corporation Commission for the activities of the MLCRB are transferred to the KDHE for the purposes of the original appropriations. Section 5 transfers the existing officers and employees of the MLCRB to the KDHE. Sections 6 through 32 record the name changes of the regulatory authority from the MLCRB to the Secretary, the KDHE, the authorized representative, or the hearing officer.

Therefore, the Director finds that the KDHE has the capability and the authority to implement the approved AMLR program as required by section 205(b) of SMCRA and the Federal regulations at 30 CFR 884.13(a).

IV. Public Comments and Agency Comments

As discussed above, the Director solicited public comment and provided opportunity for a public hearing on the proposed amendments. No public comments were received and, since no one requested an opportunity to testify at a public hearing, no hearing was held.

Pursuant to section 503(b) of SMCRA and 30 CFR 732.17(h)(11), comments were also solicited from various Federal agencies with an actual or potential interest in the Kansas program. The Washington, DC office of the U.S. Environmental Protection Agency (EPA) concurred that the amendments to the Kansas program demonstrate the legal authority, administrative capability, and technical conformity to OSMRE regulations necessary to maintain water quality standards promulgated under the authority of the Clean Water Act, as amended (33 U.S.C. 1251 *et seq.*). The Region VII office of the EPA offered four comments that referred to provisions of the Kansas program previously reviewed and approved by OSMRE. Since these comments are outside the scope of this current rulemaking, the Director cannot address the comments at this time. None of the other agencies notified offered any comment.

V. Director's Decision

Based on the above findings, the Director is approving the proposed amendments submitted by Kansas on April 29, 1988. To the extent required by 30 CFR 732.17(h)(11)(ii), the EPA has concurred in this approved (Administrative Record No. KS–427). The transfer of responsibility from the MLCRB to the KDHE became effective July 1, 1988. The Federal regulations at 30 CFR Part 916 codifying decisions concerning the Kansas programs are being amended to implement this decision. The final rule is being made effective July 1, 1988 to coincide with the effective date of the Kansas legislation and to avoid any conflicts regarding enforcement actions and other program activities.

VI. Additional Determinations

1. *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 July 12, 1984, the Office of Management and Budget (OMB) granted OSMRE an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for action directly related to approval or conditional approval of State regulatory programs. Therefore, for this action OSMRE is exempt from the requirement to prepare a regulatory review by OMB.

The Department of the Interior has determined that this rule would 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 would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the OMB under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 916

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

Dated: September 15, 1988.

Robert E. Boldt,

Deputy Director, Office of Surface Mining Reclamation and Enforcement.

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below.

PART 916—KANSAS

1. The authority citation for Part 916 is revised to read:

Authority: 30 U.S.C. 1201 et seq.

2. Section 916.10 is revised to read:

§ 916.10 State regulatory program approval.

The Kansas program as submitted on February 26, 1980, and amended on October 31, 1980, was conditionally approved, effective January 21, 1981. Beginning on that date, and continuing until July 1, 1988, the Kansas Mined Land Conservation and Reclamation Board was deemed the regulatory authority in Kansas for all surface coal mining and reclamation operations on non-Federal and non-Indian lands. Beginning on July 1, 1988, the Department of Health and Environment shall be deemed the regulatory authority, pursuant to the program transfer provisions of House Bill 3009 as signed by the Governor of Kansas on April 8, 1988. Copies of the approved program, as amended, are available at:

(a) Office of Surface Mining Reclamation and Enforcement, Kansas City Field Office, 1103 Grand Avenue, Room 502, Kansas City, Missouri 64106.

(b) Kansas Department of Health and Environment, Division of Environment, Bureau of Waste Management, Surface Mining Section, 107 W. 11th Street, P.O. Box 1418, Pittsburg, Kansas 66762.

(c) Office Surface Mining Reclamation and Enforcement, Administrative Record Office, 1100 L Street NW., Room 5131 Washington, DC 20240.

3. Section 916.15 is amended by adding paragraph (h) to read as follows:

§ 916.15 Approval of regulatory program amendment.

* * * * *

(h) The following statutory amendment submitted to OSMRE on April 29, 1988, Transferring administration of the Kansas program from the Mined Land Reclamation and Conservation Board to the Kansas Department of Health and Environment is approved effective July 1, 1988: Revisions to the Kansas Statutes Annotated (K.S.A.) sections 49–402, 49–404, 49–405, 49–405a, 49–405b, 49–405c,

49–405d, 49–407, 49–408, 49–409, 49–410, 49–413, 49–415, 49–416, 49–416a, 49–417, 49–420, 49–421a, 49–426, 49–427, 49–428, 49–429, 49–432, and 49–433 and K.S.A. 1987 Supplement 49–403, 49–406, and 49–422a.

4. Section 916.20 is revised to read:

§ 916.20 Approval of Kansas abandoned mine land reclamation plan.

The Kansas abandoned mine land reclamation (AMLR) plan as submitted October 1, 1981 and amended April 4, 1982 and July 1, 1988, was approved effective June 3, 1983. Copies of the approved AMLR plan as amended are available at:

(a) Office of Surface Mining Reclamation and Enforcement, Kansas City Field Office, 1103 Grand Avenue, Room 502, Kansas City, Missouri 64106.

(b) Kansas Department of Health and Environment, Division of Environment, Bureau of Waste Management, Surface Mining Section, 107 W. 11th Street, P.O. Box 1418, Pittsburg, Kansas 66762.

(c) Office of Surface Mining Reclamation and Enforcement, Administrative Record Office, 1100 L Street NW., Room 5131, Washington, DC 20240.

5. Section 916.25 is added to read as follows:

§ 916.25 Approval of abandoned mine land reclamation plan amendments.

(a) The following amendment as submitted to OSMRE on April 29, 1988 is approved effective July 1, 1988: House Bill 3009, which abolishes the Mined Land Conservation and Reclamation Board and transfers its authorities, responsibilities, personnel and funding to the Kansas Department of Health and Environment.

(b) [Reserved]

[FR Doc. 88–21626 Filed 10–4–88; 8:45 am]
BILLING CODE 4310-05-M

POSTAL SERVICE

39 CFR Part 232

Updating of Authority Citation

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The purpose of this document is to update the authority line of Part 232 by substituting a reference to the most recently enacted appropriation act.

EFFECTIVE DATE: September 22, 1988.

FOR FURTHER INFORMATION CONTACT: Paul J. Kemp (202) 268–2960.

SUPPLEMENTARY INFORMATION:

List of Subjects in 39 CFR Part 232

Law enforcement, Postal Service.

PART 232—[AMENDED]

The authority citation for Part 232 is revised to read as set forth below:

Authority: 39 U.S.C. 401, 403(b)(3); 40 U.S.C. 318, 318a, 318b, 318c; sec. 609, Treasury, Postal Service and General Government Appropriations Act, 1989, Pub. L. 100–440; 18 U.S.C. 3061.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 88–22894 Filed 10–4–88; 8:45 am]
BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL–3458–6]

Approval and Promulgation of Implementation Plans; State of California; Ventura County Ozone Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This notice announces EPA's final disapproval of the California State Implementation Plan (SIP) for ozone in the southern portion of Ventura County. This final action is being taken because the SIP for Ventura County does not provide for attainment of the ozone national ambient air quality standard (NAAQS) by the statutory deadline of December 31, 1987, or by any other fixed date, as required by section 172(a) of the Clean Air Act ("the Act") (42 U.S.C. 7502(a)). Pursuant to section 110(a)(2)(I) of the Act and EPA's implementing regulations, this disapproval results in the imposition of a moratorium on the construction and modification of major stationary sources of volatile organic compounds (VOC) in Ventura County. *See* 40 CFR 52.24 and 42 U.S.C. 7410(a)(2)(I).

DATES: EPA's disapproval of the Ventura ozone SIP is effective November 4, 1988. The ban on construction or modification of major sources is effective November 4, 1988.

FOR FURTHER INFORMATION CONTACT: Wallace D. Woo, Chief, State Liaison Section, Air Management Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, California 94105, *Telephone*: (415) 974–7634, (FTS) 454–7634.

SUPPLEMENTARY INFORMATION:

A. Background

A brief background of the Act and the history of the Ventura SIP is provided here. For a more comprehensive description of the relevant requirements of the Act and EPA's regulatory actions on the Ventura SIP, see the proposed disapproval of the SIP for Ventura and three other areas in California (52 FR 26431, July 14, 1987) and the General Preamble accompanying that notice (52 FR 26404).

The Clean Air Act mandates a system of state implementation plans as the chief mechanism for meeting the NAAQS. Section 110(a)(1) directs the state to submit, within nine months from the promulgation of primary NAAQS, a plan for implementing those NAAQS. Section 110 lays out the requirements that the plan must meet and provides a mechanism for revision of the plan where the Administrator finds that the plan is substantially inadequate to achieve the NAAQS by the relevant deadline.

Recognizing the numerous areas had not been able to attain the NAAQS within the initial timeframe, Congress added Part D to the Act in 1977. Part D allowed certain "nonattainment" areas to apply for time extensions to December 31, 1982, with the exception that certain areas, in which it was "not possible" to meet that deadline for ozone and CO despite the application of all reasonably available control measures, could apply for a further extension to December 31, 1987.

California requested, and EPA approved, an extension of the statutory attainment date for ozone in Ventura County to December 31, 1987. The State then submitted 1982 plan updates for the ozone SIP. In 1983, EPA proposed to disapprove this revision and impose a construction ban on the ground that the plan did not provide for attainment of the ozone standard by the end of 1987, or reasonable further progress in the interim. 48 FR 5074 February 3, 1983). On July 30, 1984, EPA took final action to approve the control measures submitted by the State, but held open the question of whether to approve the attainment demonstration in the SIP submittal for Ventura and for three other areas of California (South Coast, Fresno, and Sacramento) similarly lacking approvable SIP attainment demonstrations for ozone or carbon monoxide. 49 FR 30300, 30305 (July 30, 1984).

In July 1987, EPA reproposed to disapprove the ozone SIP for Ventura, South Coast, Fresno, Sacramento and several other areas. 52 FR 26408–26409,

26431–26435 (July 14, 1987). In that notice, EPA stated that it lacked authority to continue to defer action on the plans for those areas that had not yet submitted a plan demonstrating attainment by the deadline, and that it had no choice but to disapprove the plans for those areas and impose a construction ban under section 110(a)(2)(I).

In November 1987, the Ninth Circuit Court of Appeals issued its opinion in *Abramowitz v. United States Environmental Protection Agency*. 832 F.2d 1071 (9th Cir. 1987). The court held that EPA lacked authority to defer action on whether the South Coast ozone and carbon monoxide plan meets all of the Part D requirements of the Act when the Agency approved the individual control measures. The court ordered EPA to "disapprove the relevant SIP provisions." 832 F.2d at 1079. Pursuant to the Ninth Circuit Court's instructions, EPA took final action in January 1988 to disapprove the South Coast SIP. 53 FR 1780 (January 22, 1988).

B. Discussion

EPA concludes that the attainment demonstration deficiency in the Ventura ozone SIP is substantively identical to the deficiency in the South Coast CO and ozone SIP, and EPA is therefore now taking final action to disapprove the Ventura SIP. As in the case of EPA's July 14, 1987 proposal and the final disapproval of the South Coast SIP, the ground for EPA's final disapproval of the Ventura SIP is that it does not demonstrate attainment of the ozone NAAQS by December 31, 1987, or by any other fixed near term date thereafter. Under the terms of the Act and EPA's regulations, such final plan disapproval results in the imposition of a construction ban in the nonattainment portion of Ventura County for major new sources and major modifications of existing sources of VOC.[1] Section 110(a)(2)(I); 40 CFR 52.24(a). Under 40 CFR 52.24(f)(4)(ii) and (f)(5)(i), a major stationary source or major modification that is major for VOC is also major for ozone.

Today's action is driven by the reasoning of the decision in *Abramowitz*. That decision establishes that EPA has no discretion under the law to postpone the final disapproval when the Agency has effectively determined that the plan does not provide for attainment by any fixed date. Thus, EPA is not responding directly to public comments on EPA's July 14, 1987 proposal. EPA may respond to some of the comments in the future, perhaps in connection with EPA's final policy on how areas like Ventura should correct their SIPs after December 31, 1987.

C. Final Action

EPA is today taking final action to disapprove the 1982 Ventura County SIP revision for attainment of the primary NAAQS for ozone. Pursuant to the Administrative Procedure Act, 5 U.S.C. 553(d), this disapproval is effective November 4, 1988. The effective date for the construction ban is November 4, 1988.

Under Executive Order 12291, this action is not "Major." It has been submitted to the Office of Management and Budget for review.

Under the Regulatory Flexibility Act, 5 U.S.C. 605(b), EPA must assess the impact of proposed or final rules on small entities. EPA does not have sufficient information to determine the impacts that the construction moratorium announced in today's notice may have on small entities, because it is difficult to obtain reliable information on future plans for business growth. Even if this action were to have a significant impact, however, the Agency could not modify its action. Under the Act, the imposition of a construction moratorium is mandatory whenever the Agency determines that an implementation plan for a nonattainment area fails to meet the requirements of Part D of the Act, and that determination, in turn, is effectively required by the Ninth Circuit's decision in *Abramowitz*.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 5, 1988. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Intergovernmental relations.

Dated: September 28, 1988.

Lee M. Thomas,

Administrator.

40 CFR Part 52, Subpart F, is amended as follows:

PART 52—[AMENDED]

Subpart F—California

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. Section 52.237 is amended by adding new paragraph (a)(2) to read as follows:

§ 52.237 Part D disapproval.

(a) * * *

(2) The ozone attainment demonstration for Ventura County. No major stationary source, or major modification of a stationary source, of volatile organic compounds may be constructed in the Ventura County nonattainment area unless the construction permit application is complete on or before November 4, 1988.

* * * * *

[FR Doc. 88–22915 Filed 10–4–88; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 147

[FR–3382–2]

Nevada Department of Conservation and Natural Resources; Underground Injection Control Primacy Program Approval

AGENCY: Environmental Protection Agency.

ACTION: Approval of Primacy Program.

SUMMARY: The State of Nevada has submitted an application under section 1422 of the Safe Drinking Water Act for the approval of an Underground Injection Control (UIC) program. After careful review of the application, the Agency has determined that the State's injection well program meets the requirements of the Act and therefore, approves it.

A notice of public comment period for the State of Nevada UIC Primacy Application was published in the **Federal Register** on February 18, 1988. Only comments generally supportive of groundwater protection programs were received by March 21, 1988, the close of the comment period.

EFFECTIVE DATE: This approval shall become effective on October 5, 1988. The incorporation by reference of certain State statutes and regulations listed in the State Primacy program is approved by the Director of the Federal Register effective October 5, 1988.

FOR FURTHER INFORMATION CONTACT: Leslie A. Higgins, W–6–2, Environmental Protection Agency, Region IX, 215

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[1] The ozone nonattainment area in Ventura County includes all portions of the County south of the southern boundary of the Los Padres National Forest. Within this nonattainment area, any major new source or major modification for which the construction permit application is incomplete on or after [thirty days from publication] will be prohibited from construction. EPA's criteria for determining an application to be complete are explained in 52 FR 26404 and 26409 n.18 (July 4, 1987).

Fremont St., San Francisco, California 94105, PH: (415) 974–0782, (FTS) 454–0782.

SUPPLEMENTARY INFORMATION: Part C of the Safe Drinking Water Act (SDWA) provides for an Underground Injection Control (UIC) program. Section 1421 of the SDWA requires the Administrator to promulgate minimum requirements for effective State programs to prevent underground injection which endangers drinking water sources. The Administrator is also to list in the **Federal Register** each State for which, in his judgement, a State UIC program may be necessary. Each State listed shall submit to the Administrator an application which contains a satisfactory demonstration that the State: (i) Has adopted after reasonable notice and public hearings, a UIC program which meets the requirements of regulations in effect under section 1421 of the SDWA; and (ii) will keep such records and make such reports with respect to its activities under its UIC program as the Administrator may require by regulations. Section 1425 provides that for oil and gas-related injection control programs, the State may in lieu of meeting the requirements under section 1422(b)(1)(A) demonstrate that the State program meets the requirements of section 1421(b)(1) (A)–(D) and represents an effective program to prevent underground injection which endangers drinking water sources. After reasonable opportunity for public comment, the Administrator shall by rule approve, disapprove or approve in part and disapprove in part, the State's UIC program.

The State of Nevada was listed by EPA as needing a UIC program. The State submitted a final application under section 1422 on January 21, 1988, for a UIC program to regulate injection wells to be administered by the Nevada Division of Environmental Protection (DEP).

On February 18, 1988, EPA published notice of receipt of the application, requested public comments, and offered a public hearing on the UIC program submitted by the State. No requests to present substantive oral testimony were made, so the public hearing was cancelled.

After careful review of the application, I have determined that the portion of the Nevada program submitted by the DEP to regulate underground injection wells, applicable on all lands in the State other than Indian lands, meets the requirements of section 1422 of the SDWA and, hereby, approve it. The effect of the approval is to establish this program as the applicable underground injection control program under the SDWA for all wells on all non-Indian lands in the State of Nevada.

This program replaces the existing EPA-administered program for all underground injection wells (except on Indian lands). EPA promulgated a UIC program for Nevada on June 25, 1984 in order to comply with the requirement of the SDWA to promulgate a Federally-administered program if a State-administered program cannot be approved within a certain time. Now that EPA has determined that the State-administered program meets all applicable Federal requirements, the Agency is withdrawing the EPA-administered program for underground injection wells (except on Indian lands) and establishing the State-administered program as the applicable UIC program in the State, because of the preference in the SDWA for State administration of UIC programs.

This approval will be codified in 40 CFR 147.1450. State statutes and regulations that contain standards, requirements, and procedures applicable to owners or operators are incorporated by reference. To the extent set forth in 40 CFR Part 144 and 40 CFR Part 146, these provisions incorporated by reference, as well as all permit conditions or permit denials issued pursuant to such provisions, are enforceable by EPA pursuant to section 1423 of the SDWA.

The terms listed below comprise a complete listing of the thesaurus terms associated with 40 CFR Part 147, which sets forth the requirements for a State requesting the authority to operate its own permit program of which the Underground Injection control program is a part. These terms may not all apply to this particular notice.

List of Subjects in 40 CFR Part 147

Indian lands, Reporting and recordkeeping requirements, Intergovernmental relations, Penalties, Confidential business information, Water supply, Incorporation by reference.

OMB Review

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

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that approval by EPA under section 1422 of the Safe Drinking Water Act of the application by the Nevada Division of Environmental Protection will not have a significant economic impact on a substantial number of small entities, since this rule only approves State actions. It imposes no new requirements on small entities.

Dated: May 12, 1988.

Lee M. Thomas,

Administrator.

As set forth in the preamble, Part 147 of Title 40 of the Code of Federal Regulations is amended as follows:

PART 147—STATE UNDERGROUND INJECTION CONTROL PROGRAMS

Subpart DD—Nevada

1. The authority for Part 147 continues to read as follows:

Authority: 42 U.S.C. 300h, 300h–1, 300h–2, 3009, 300j–4, 300j–6, 300i–9, 6912 and 6921 to 6939a.

2. Section 147.1450 is revised to read as follows:

§ 147.1450 State-administered program.

The UIC program for all classes of underground injection wells in the State of Nevada, other than those on Indian lands, is the program administered by the Nevada Division of Environmental Protection approved by EPA pursuant to section 1422 of the SDWA. Notice of this approval was published in the **Federal Register** on February 18, 1988; the effective date of this program is October 5, 1988. This program consists of the following elements, as submitted to EPA in the State's program application.

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Nevada. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained at the Nevada Department of Conservation and Natural Resources, Division of Environmental Protection, 201 South Fall Street, Carson City, Nevada 89710.

Copies may be inspected at the Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, California 99105, or at the Office of the Federal Register, 1100 L Street NW., Washington, DC.

(1) Nevada Revised Statutes [NRS], Volume 25, Chapters 445.131 through 445.354, Inclusive. 1987.

(2) Nevada Revised Statutes [NRS], Volume 29, Chapters 534A.010 through 534A.090, Inclusive. 1987.

(3) Nevada Revised Statutes [NRS], Volume 28, Chapters 522.010 through 522.190, Inclusive. 1987.

(4) Nevada Administrative Code [NAC], Underground Injection Control Regulations, Sections 1 through 96.1, Inclusive. July 22, 1987, revised September 3, 1987 (amending NAC Chapter 445).

(5) Nevada Administrative Code [NAC], Regulations and Rules of Practice and Procedure adopted Pursuant to NRS 534A, Sections 1 through 69, Inclusive. November 12, 1985 (amending NAC Chapter 534A).

(6) Nevada Administrative Code [NAC], Regulations and Rules of Practice and Procedure adopted Pursuant to NRS 522.010 through 522.625, Inclusive. July 22, 1987 (amending NAC Chapter 522).

(b) The Memorandum of Agreement between EPA Region 9 and the Nevada Department of Conservation and Natural Resources signed by the EPA Regional Administrator on April 6, 1988.

(c) *Statement of Legal Authority.* Statement and Amendment to the Statement from the Attorney General of the State of Nevada, signed on July 22, 1987 and November 6, 1987 respectively, by the Deputy Attorney General.

(d) The Program Description and any other materials submitted as part of the original application or as supplements thereto.

[FR Doc. 88-11208 Filed 10-4-88; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 180

[PP 8E3621/R984; FRL-3458-5]

Pesticide Tolerance for N-(Mercaptomethyl) Phthalimide S-(O,O-Dimethyl Phosphorodithioate)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the insecticide *N*-(Mercaptomethyl)phthalimide *S*-(*O,O*-dimethyl phosphorodithioate), also referred to in this document as phosmet, and its oxygen analog in or on the raw agricultural commodity crabapples. The Interregional Research Project No. 4 (IR-4) petitioned for this tolerance in support of regional registration.

EFFECTIVE DATE: October 5, 1988.

ADDRESS: Written objections, identified by the document control number, [PP 8E3621/R984], may be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt Jamerson, Emergency Response and Minor Use Section, Registration Division (TS-767C), Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Office location and telephone numbers: Rm. 716 CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-557-2310.

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the **Federal Register** of August 17, 1988 (53 CF 31051), in which it was announced that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition (PP) 8E3621 to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR-4 Project, and the Agricultural Experiment Station of California.

The petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, establish a tolerance for cholinesterase-inhibiting residues of the insecticide phosmet and its oxygen analog *N*-(mercaptomethyl) phthalimide *S*-(*O,O*-dimethyl phosphorothioate) in or on the raw agricultural commodity crabapples at 20 parts per million (ppm).

The petitioner requested that use of phosmet or crabapples be limited to California based on the geographical representation of the residue data submitted. Additional residue data will be required to expand the area of usage. Persons seeking geographically broader registration should contact the Agency's Registration Division at the address provided above.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and all other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the tolerance wil protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 22, 1988.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, 40 CFR Part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. Section 180.261(b) is amended by adding and alphabetically inserting the listing for the raw agricultural commodity crabapples, to read as follows:

§ 180.261 N-(Mercaptomethyl)phthalimide S-(O,O-dimethyl phosphorodithioate) and its oxygen analog; tolerances for residues.

* * * * *

(b) * * *

Commodities	Parts per million
Crabapples	20
* * * * *	

[FR Doc. 88-22812 Filed 10-4-88; 8:45 am]
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40 CFR Part 180

[PP 7E3559, 8E3585/R983; FRL 3458-6]

Pesticide Tolerances for Ethyl 3-Methyl-4-(Methylthio)Phenyl (1-Methylethyl) Phosphoramidate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the