

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Standards Staff.

(g) Special flight permits will not be issued.

(h) The inspections and repair shall be done in accordance with Eurocopter Deutschland GmbH (ECD) Alert Service Bulletin ASB-MBB-BK117-30-106, Revision 3, dated May 5, 1997, including Appendix. 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 from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053-4005, telephone (972) 641-3460, fax (972) 641-3527. Copies may be inspected at the FAA, Office of Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in Luftfahrt-Bundesamt (Germany) AD 97-144/2, dated June 5, 1997.

(i) This amendment becomes effective on October 24, 1997.

Issued in Fort Worth, Texas, on September 26, 1997.

Eric Bries,

*Acting Manager, Rotorcraft Directorate,
Aircraft Certification Service.*

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BILLING CODE 4910-13-U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 331

RIN 0905-AA06

Antacid Drug Products for Over-the-Counter Human Use; Amendment of Antacid Monograph

CFR Correction

In Title 21 of the Code of Federal Regulations, parts 300 to 499, revised as of April 1, 1997, on page 227, in § 331.10, the revision of paragraph (a) and the source note were inadvertently omitted. The correct text of paragraph (a) and the source note read as follows:

§ 331.10 Antacid active ingredients.

(a) The active antacid ingredients of the product consist of one or more of the ingredients permitted in § 331.11 within any maximum daily dosage limit established, each ingredient is included at a level that contributes at least 25 percent of the total acid neutralizing capacity of the product, and the finished product contains at least 5 meq of acid neutralizing capacity as measured by

the procedure provided in the United States Pharmacopeia 23/National Formulary 18. The method established in § 331.20 shall be used to determine the percent contribution of each antacid active ingredient.

* * * * *

[39 FR 19874, June 4, 1974, as amended at 61 FR 4822, Feb. 8, 1996]

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 436

Antibiotic Drugs; Loracarbef, Loracarbef Capsules, and Loracarbef for Oral Suspension and Rifabutin and Rifabutin Capsules

CFR Correction

In Title 21 of the Code of Federal Regulations, parts 300 to 499, revised as of April 1, 1997, on page 399, in § 436.215(c)(16)(iv), make the following changes:

1. Immediately following the equation, insert the word "where:" as a separate line.

2. In the second column, delete the hyphen between the words "milligrams" and "per" in line 2.

3. In paragraph (c)(18)(iv) of § 436.215, immediately following the equation, insert the word "where:" as a separate line.

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 510

New Animal Drugs

CFR Correction

In Title 21 of the Code of Federal Regulations, parts 500 to 599, revised as of April 1, 1997, on page 48, in § 510.515, paragraph (c), entry 5 is amended by adding "Arsanilic acid" below "Chlortetracycline" in the first column.

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MO 027-1027; FRL-5891-2]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final conditional rule.

SUMMARY: The EPA is taking final action to conditionally approve the State Implementation Plan (SIP) revision concerning Missouri Rule 10 CSR 10-2.330, Control of Gasoline Reid Vapor Pressure, submitted by the Missouri Department of Natural Resources (MDNR). This revision sets a summertime gasoline Reid vapor pressure (RVP) limit of 7.2 pounds per square inch (psi), and 8.2 psi for gasoline containing at least 9.0 percent by volume but not more than 10.0 percent by volume ethanol, for gasoline distributed in Clay, Platte, and Jackson Counties in Missouri. This revision is necessary to ensure that the area continues to maintain the National Ambient Air Quality Standard (NAAQS) for ozone.

DATES: This rule is effective on November 10, 1997.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the: Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Stan Walker at (913) 551-7494.

SUPPLEMENTARY INFORMATION: On March 24, 1997 (62 FR 13846) the EPA proposed approval of the SIP revision concerning Missouri Rule 10 CSR 10-2.330, Control of Gasoline Reid Vapor Pressure, submitted by MDNR. This revision, which limits the RVP of gasoline sold in the Missouri portion of the Kansas City metropolitan area, is necessary to help the Kansas City area maintain the NAAQS for ozone. In accord with section 211(c)(4)(C), the EPA is able to approve this fuel control measure because the state of Missouri demonstrated that the measure is necessary to achieve the national primary and secondary ambient air quality standard. The EPA also approves the state fuel requirement as necessary because no other measures would bring about timely attainment, or if other measures exist, they are unreasonable or impracticable.

The state emergency rule was adopted and approved by the Missouri Air Conservation Commission (MACC) after proper public notice and hearing procedures. The emergency rule became effective on May 1, 1997, and expires on October 27, 1997. The state's permanent rule has undergone proper public notice and hearing and was adopted at the June 26, 1997, public hearing by the MACC, and will become effective in October 1997.

The EPA proposed approval of the state's permanent rule using parallel processing procedures. Under this procedure, the EPA proposed to approve the Missouri rule based on adoption of a final rule. The EPA received no comments on its proposed approval. The state has completed its rule adoption procedures for the permanent rule; however, the emergency rule will remain in effect until October 27, 1997. Full approval is contingent upon Missouri submitting the permanent rule by November 30, 1997.

For additional background on this action and the EPA's detailed rationale for approval, please refer to the technical support document of the aforementioned notice of proposed rulemaking (62 FR 13846).

I. Final Action

The EPA is taking final action to conditionally approve the SIP revision concerning Missouri Rule 10 CSR 10-2.330, Control of Gasoline Reid Vapor Pressure, submitted by MDNR.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors, and in relation to relevant statutory and regulatory requirements.

Full approval is contingent upon Missouri completing its rule adoption procedures prior to expiration of the emergency rule, and submitting the permanent rule by November 30, 1997.

If the conditional approval is converted to a disapproval under section 110(k), based on the state's failure to meet the commitment, it will not affect any existing state requirements applicable to small entities. The EPA's disapproval of the submittal does not impose a new Federal requirement. Therefore, the EPA certifies that this disapproval action does not have a significant impact on a substantial number of small entities, because it does not substitute a new Federal requirement.

II. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

B. Regulatory Flexibility Act

SIP approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements but simply approve requirements that the state is already imposing.

This Federal action authorizes and approves into the Missouri SIP requirement previously adopted by the state, and imposes no new requirements. Therefore, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids the EPA to base its actions concerning SIPs on such grounds (*Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2)).

C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, the EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to state, local, or tribal governments in the aggregate; or to private sector, of \$100 million or more in any one year. Under section 205, the EPA must select the most cost effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the approval action does not include a Federal mandate that may result in estimated costs of \$100 million or more to either state, local, or tribal governments in the aggregate, or to the private sector. This Federal action authorizes and approves into the Missouri SIP requirements previously adopted by the state, and imposes no new requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

D. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, the EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the General Accounting Office prior to publication of this rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

E. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 8, 1997. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: August 25, 1997.

William Rice,

Acting Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401-7671q.

Subpart AA—Missouri

2. Section 52.1320 is amended by adding paragraph (c)(98) to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

(98) Revision to the Missouri SIP submitted by the Missouri Department of Natural Resources on July 14, 1997.

(i) Incorporation by reference.

(A) Missouri Emergency Rule, 10 CSR 10-2.330, Control of Gasoline Reid Vapor Pressure, effective May 1, 1997, and expires October 27, 1997.

* * * * *

3. Section 52.1323 is amended by adding paragraph (l) to read as follows:

§ 52.1323 Approval status.

* * * * *

(l) The Administrator conditionally approves Missouri emergency rule 10 CSR 10-2.330 under § 52.1320(c)(98). Full approval is contingent on the state submitting the permanent rule, to the EPA, by November 30, 1997.

[FR Doc. 97-26529 Filed 10-8-97; 8:45 am]

BILLING CODE 6560-50-U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MD 053-3020; FRL-5905-8]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; 15% Rate of Progress Plan for the Baltimore Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is granting conditional approval of the State Implementation Plan (SIP) revision submitted by the State of Maryland, for the Baltimore severe ozone nonattainment area, to meet the 15 percent reasonable further progress (RFP, or 15% plan) requirements of the Clean Air Act (the Act). EPA is granting conditional approval of the 15% plan, submitted by the State of Maryland, because, on its face, the plan achieves the required 15% emission reduction, but additional documentation to verify the emission calculations is necessary for full approval. Additionally, the plan relies upon Maryland's inspection and maintenance (I/M) program that received final conditional approval on July 31, 1997. This action is being taken under section 110 of the Clean Air Act.

EFFECTIVE DATE: This final rule is effective on November 10, 1997.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; and the Maryland Department of the

Environment, 2500 Broening Highway, Baltimore, Maryland 21224.

FOR FURTHER INFORMATION CONTACT:

Carolyn M. Donahue, Ozone/Carbon Monoxide and Mobile Sources Section (3AT21), USEPA—Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, or by telephone at (215) 566-2095 or via e-mail, at the following address:

donahue.carolyn@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Section 182(b)(1) of the Act requires ozone nonattainment areas classified as moderate or above to develop plans to reduce volatile organic compounds (VOC) emissions by 15% from 1990 baseline levels. The Baltimore area is classified as a severe ozone nonattainment area and is subject to the 15% plan requirement. The Baltimore ozone nonattainment area consists of the City of Baltimore, and Anne Arundel, Baltimore, Carroll, Howard, and Harford Counties.

The State of Maryland submitted the 15% plan SIP revision for the Baltimore nonattainment area on July 12, 1995. On August 5, 1997, EPA published a notice of proposed rulemaking (NPR) in the **Federal Register** proposing conditional approval of the 15% plan (62 FR 42079). EPA's rationale for granting conditional approval to the Maryland 15% plan for the Baltimore area and the details of the July 12, 1995 submittal are contained in the August 5, 1997 NPR and the accompanying technical support document and will not be restated here.

II. Public Comments and EPA Responses

EPA received a letter in response to the August 5, 1997 NPR from the Earthjustice Legal Defense Fund (ELDF). The following discussion summarizes and responds to the comments received.

Comment 1: ELDF commented that the Baltimore 15% plan must be disapproved because it failed to produce the 15% emission reduction of 73.3 tons/day identified in the plan as prescribed by section 182(b)(1)(A)(i) of the Act.

Response 1: Under section 110(k)(4) of the Act, EPA may conditionally approve a plan based on a commitment from the state to adopt specific enforceable measures within one year from the date of approval. EPA believes that the 15% required reduction in the Baltimore nonattainment area will be 63.9 tons/day based on new information supplied by the State. Although this information has not been established through an official SIP submittal, this

information is contained in Maryland's rate-of-progress SIP revision for the 1996-1999 time period (known as the Post-1996 plan). Maryland has held a public hearing on this SIP revision, which EPA provided comments on for the public record, and expects to submit it to EPA shortly. Under these circumstances—including the fact that the amount of emissions at issue is a relatively small percentage of the 15% requirement—EPA has the authority to conditionally approve Maryland's 15% SIP, on the condition that Maryland submit the requisite documentation. The State of Maryland has agreed to document the amount of reductions needed to meet the 15% requirement, and submitted such commitment in writing on September 4, 1997.

Comment 2: EPA concluded that "EPA cannot credit this claim" of 6.3 tons/day from enhanced rule compliance for the Baltimore area. EPA nevertheless included this measure in the list of creditable measures, acting unlawfully and inconsistently.

Response 2: The commenter is correct. This inconsistency is the result of a typographical error. The credit claim of 6.3 tons/day (TPD) from enhanced rule compliance is not creditable toward the 15% rate-of-progress requirement for the Baltimore nonattainment area. Therefore, the total credits achieved by Maryland toward the 15% requirement in the plan is 64.2 TPD.

Comment 3: ELDF commented that the Maryland 15% plan, which takes credit for federal control measures such as architectural and industrial maintenance coating, consumer/commercial products and autobody refinishing, should not be approved because those federal control measures have not yet been promulgated. ELDF states that allowing such credit violates section 182(b)(1)(C) of the Act. ELDF further commented that EPA cannot lawfully base SIP decisions on unpromulgated rules because it does not know what these final rules will say. ELDF contends that allowing credit on as yet unpromulgated rules, even with the caveat that the states must revisit the rule later if the federal rules turn out differently than predicted, amounts to an unlawful extension of a SIP submission deadline. ELDF stated that EPA must base its decision on the record before it at the time of its decision; not on some record that the agency hopes will exist in the future.

Response 3: Section 182(b)(1)(A) of the Act requires states to submit their 15% SIP revisions by November, 1993. Section 182(b)(1)(C) of the Act provides the following general rule for