

basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 21 CFR 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801-808.

#### List of Subjects in 21 CFR Part 522

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, 21 CFR part 522 is amended as follows:

#### PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 522 continues to read as follows:

**Authority:** 21 U.S.C. 360b.

■ 2. Section 522.900 is amended by revising paragraph (b)(1) to read as follows:

#### § 522.900 Euthanasia solution.

\* \* \* \* \*

(b) \* \* \*

(1) Nos. 000061, 051259, and 051311 for use of product described in paragraph (a)(1) of this section.

\* \* \* \* \*

Dated: February 15, 2005.

**Stephen F. Sundlof,**

*Director, Center for Veterinary Medicine.*

[FR Doc. 05-3595 Filed 2-23-05; 8:45 am]

**BILLING CODE 4160-01-S**

#### DEPARTMENT OF VETERANS AFFAIRS

#### 38 CFR Parts 19 and 20

**RIN 2900-AL96**

#### Board of Veterans' Appeals: Appeals Regulations, Rules of Practice; Delegations of Authority

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** This document amends the Department of Veterans Affairs (VA), Board of Veterans' Appeals (Board) Appeals Regulations and Rules of Practice. The amendments update regulations governing certain delegations of authority exercised by the Chairman of the Board. The amendments reflect statutory changes and changes to other regulations made because of the statutory changes.

**DATES:** *Effective Date:* February 24, 2005.

**FOR FURTHER INFORMATION CONTACT:** Steven L. Keller, Senior Deputy Vice Chairman, Board of Veterans' Appeals, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, telephone 202-565-5978.

**SUPPLEMENTARY INFORMATION:** The Board of Veterans' Appeals (Board) is the component of the Department of Veterans Affairs, in Washington, DC, that decides appeals from denials of claims for veterans' benefits. The Board is under the administrative control and supervision of a Chairman directly responsible to the Secretary of Veterans Affairs. 38 U.S.C. 7101. This document amends the Board's Appeals Regulations and Rules of Practice concerning delegations of authority exercised by the Chairman.

Under 38 CFR 19.14 and 20.102, certain authorities exercised by the Chairman of the Board are delegated to certain other employees of the Board. The sources of these authorities are 38 U.S.C. 7101(a), 7102, 7103, and 7104.

In 1994, 38 U.S.C. 7102 was amended to authorize the deciding of appeals by individual Board members, as well as by panels of at least three Board members. The amendment also prohibited a proceeding before the Board from being assigned to the Chairman as an individual member. Board of Veterans' Appeals Administrative Procedures Improvement Act of 1994, Public Law 103-271, § 6(a), 108 Stat. 740, 741. In May 1996, the Secretary amended the Board's Appeals Regulations and Rules of Practice to incorporate these statutory changes. See 61 FR 20447, May 7, 1996. However, certain provisions governing

the Chairman's delegation of authority in the appeals regulations and rules of practice were not amended to reflect the statutory and regulatory changes.

Therefore, we are now amending 38 CFR 19.14 and 20.102 to reflect those prior statutory and regulatory changes.

The 1996 rulemaking included amendments to 38 CFR 19.3, 19.11, 20.606, 20.608, and 20.900. The amendments reflected, in addition to the statutory amendments, administrative changes in the Board's organization from sections to teams. The versions of 38 CFR 19.14 and 20.102 in effect until February 24, 2005, refer to paragraphs in the previously amended regulations that were removed, redesignated, or revised by the 1996 rulemaking.

We are removing references to § 19.3(c) and (d) from 38 CFR 19.14 because the 1996 amendments revised § 19.3 so that it has no paragraph (c) or (d).

We are also removing paragraph (a) of 38 CFR 20.102 and redesignating paragraphs (b) and (c) of § 20.102 as paragraphs (a) and (b), respectively. The provisions of paragraph (a) of 38 CFR 20.102 in effect until February 24, 2005 permitted the Vice Chairman of the Board to exercise the same authority the Chairman may exercise under 38 CFR 20.900(c). However, § 20.900(c), itself authorizes the Vice Chairman to exercise that authority as well as to delegate such authority to a Deputy Vice Chairman. Therefore, paragraph (a) of § 20.102 is not necessary.

In addition, we are removing the references to Rule 608(b) and § 20.608(b) from § 20.102(b). The provisions of paragraph (b) of § 20.102 in effect until February 24, 2005, permitted the Vice Chairman of the Board and the Deputy Vice Chairmen to exercise the same authority the Chairman may exercise under 38 CFR 20.608(b). However, the 1996 amendments removed that authority from § 20.608(b) to conform with the statutory amendments. Therefore, the references in § 20.102(b) to Rule 608(b) and § 20.608(b) are inappropriate.

Finally, in 38 CFR 20.102(c), we are replacing the references to Rule 606(e) and § 20.606(e) with references to Rule 606(d) and § 20.606(d). The provisions of paragraph (c) of § 20.102 in effect until February 24, 2005 permitted the Vice Chairman of the Board, the Deputy Vice Chairmen, or members of the Board to exercise the same authority the Chairman may exercise under 38 CFR 20.606(e). However, that authority is now in § 20.606(d). Thus, a reference to paragraph (d) instead of paragraph (e) is the appropriate reference.

### Administrative Procedure Act

Because this final rule concerns agency organization, procedure, or practice, pursuant to 5 U.S.C. 553(b), it is exempt from notice and comment requirements. Further, we have concluded that, because this final rule only brings 38 CFR 19.14 and 20.102 into conformity with existing regulations in Parts 19 and 20 of title 38, there is good cause for dispensing with a delayed effective date as unnecessary.

### Unfunded Mandates

The Unfunded Mandates Reform Act requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before developing any rule that may result in an expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any given year. This final rule would have no such effect on State, local, or tribal governments, or the private sector.

### Paperwork Reduction Act

This document contains no provisions constituting a new collection of information under the Paperwork Reduction Act (44 U.S.C. 3501–3521).

### Regulatory Flexibility Act

Because this final rule is not a “rule” as defined in 5 U.S.C. 601(2), it is not subject to the Regulatory Flexibility Act, 5 U.S.C. 601–612. Nevertheless, the Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. The changes made by this rule will not have a significant economic impact on any small entities. Therefore, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

### List of Subjects in 38 CFR Parts 19 and 20

Administrative practice and procedure, Claims, Veterans.

Approved: January 26, 2005.

**Anthony J. Principi,**  
Secretary of Veterans Affairs.

■ For the reasons set forth in the preamble, 38 CFR parts 19 and 20 are amended as follows:

#### **PART 19—BOARD OF VETERANS' APPEALS: APPEALS REGULATIONS**

■ 1. The authority citation for part 19 continues to read as follows:

**Authority:** 38 U.S.C. 501(a), unless otherwise noted.

#### **§ 19.14 [Amended]**

- 2. Section 19.14 is amended by:
  - a. Removing “, 19.3(c),” from paragraph (a); and
  - b. Removing “§ 19.3(d) and” from paragraph (b).

#### **PART 20—BOARD OF VETERANS' APPEALS: RULES OF PRACTICE**

■ 3. The authority citation for part 20 continues to read as follows:

**Authority:** 38 U.S.C. 501(a) and as noted in specific sections.

#### **§ 20.102 [Amended]**

- 4. Section 20.102 is amended by:
  - a. Removing paragraph (a);
  - b. Redesignating paragraphs (b) and (c) as paragraphs (a) and (b), respectively;
  - c. Removing “608(b),” “20.608(b),” and the commas after “717(d)” and “20.717(d)” from newly designated paragraph (a);
  - d. Removing “606(e)” and “20.606(e)” from newly designated paragraph (b) and adding, in their places, “606(d)” and “20.606(d)”, respectively.

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**BILLING CODE 8320–01–U**

### **ENVIRONMENTAL PROTECTION AGENCY**

#### **40 CFR Part 52**

[MN–86–1; FRL–7867–5]

#### **Approval and Promulgation of Air Quality Implementation Plans; Minnesota; Revised Format of 40 CFR Part 52 for Materials Being Incorporated by Reference**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; Notice of administrative change.

**SUMMARY:** EPA is revising the format of 40 CFR part 52 for materials submitted by the state of Minnesota that are incorporated by reference (IBR) into its State Implementation Plan (SIP). The regulations affected by this format change have all been previously submitted by Minnesota and approved by EPA.

This format revision will primarily affect the “Identification of plan” section of 40 CFR part 52, as well as the format of the SIP materials that will be available for public inspection at the National Archives and Records Administration (NARA), the Air and Radiation Docket and Information Center located at EPA Headquarters in Washington, DC, and the EPA Region 5

Office. EPA is also adding a table in the “Identification of plan” section which summarizes the approval actions that EPA has taken on the non-regulatory and quasi-regulatory portions of the Minnesota SIP. The sections of 40 CFR part 52 pertaining to provisions promulgated by EPA or state-submitted materials not subject to IBR review remain unchanged.

**DATES:** *Effective Date:* This final rule is effective on February 24, 2005.

**ADDRESSES:** SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations: Environmental Protection Agency, Region 5, Air Programs Branch, 77 West Jackson Boulevard, Chicago, Illinois 60604; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 1301 Constitution Avenue NW., Room B108, Washington, DC 20460; or the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

#### **FOR FURTHER INFORMATION CONTACT:**

Christos Panos, Environmental Engineer, (312) 353–8328, at the above Region 5 address or by e-mail at [panos.christos@epa.gov](mailto:panos.christos@epa.gov).

**SUPPLEMENTARY INFORMATION:** The supplementary information is organized in the following order:

- I. Background
  - Description of a SIP
  - How EPA Enforces SIPs
  - How the State and EPA Update the SIP
  - How EPA Compiles the SIP
  - How EPA Organizes the SIP Compilation
  - Where You Can Find a Copy of the SIP Compilation
  - The Format of the New Identification of Plan Section
  - When a SIP Revision Becomes Federally Enforceable
  - The Historical Record of SIP Revision Approvals
- II. What EPA Is Doing in This Action
- III. Statutory and Executive Order Reviews

#### **I. Background**

*Description of a SIP*—Each state has a SIP containing the control measures and strategies used to attain and maintain the National Ambient Air Quality Standards (NAAQS). The SIP is extensive, containing elements covering a variety of subjects, such as air pollution control regulations, emission inventories, monitoring networks, attainment demonstrations, and enforcement mechanisms.