

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[KY-75-1-9910a; KY-97-1-9911a; FRL-6435-4]

**Approval and Promulgation of Implementation Plans**

**Kentucky: Approval of Revisions to the Louisville State Implementation Plan**

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

**ACTION:** Direct final rule.

**SUMMARY:** The EPA is approving the Air Pollution Control District of Jefferson County portion of the State Implementation Plan (SIP) submitted by the Commonwealth of Kentucky through the Natural Resources and Environmental Protection Cabinet on November 12, 1993, and amended on April 5, 1994, and June 30, 1997, which includes the 15 Percent Rate-of-Progress Plan (15 percent plan) for the Louisville moderate ozone nonattainment area. This submittal was made to meet the 15 percent reduction in emissions of volatile organic compounds (VOCs) requirement of section 182(b)(1)(A) of the Clean Air Act, as amended in 1990 (CAA). EPA is approving the plan, including the individual measures that achieve the 15 percent reduction in VOCs and the Jefferson County 1990 Base Year Emissions Inventory. The inventory was submitted by Kentucky to fulfill requirements of section 182(b) of the CAA.

**DATES:** This direct final rule is effective November 12, 1999 without further notice, unless EPA receives adverse comment by October 13, 1999. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** All comments should be addressed to: Scott M. Martin at the EPA, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303.

Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The

interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day. Reference file KY-97.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303-3104.

Department for Environmental Protection, Natural Resources and Environmental Protection Cabinet, Division of Air Quality, 803 Schenkel Lane, Frankfort, Kentucky 40601.

Air Pollution Control District of Jefferson County, 850 Barrett Avenue, Suite 205, Louisville, Kentucky 40204.

**FOR FURTHER INFORMATION CONTACT:**

Scott M. Martin, Regulatory Planning Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, Region 4 Environmental Protection Agency, 61 Forsyth Street, SW, Atlanta, Georgia 30303-3104. The telephone number is 404-562-9036.

**SUPPLEMENTARY INFORMATION:** The information presented in this preamble is organized as follows:

- Background.
- 1990 Base year emissions inventory.
- Adjusted base year inventory.
- 1990 Rate-of-progress inventory.
- 15 Percent plan.
- Creditable 15 percent reduction.
- Total expected reductions by 1996.
- Target level emissions for 1996.
- Reductions needed by 1996 to achieve 15 percent accounting for growth.
- Reductions required by 1996.
- 1996 Projected emissions.
- Control strategies to meet the 15 percent reduction requirement and approval of supporting regulations.
- Final action.
- Administrative requirements.

**Background**

The Louisville area was classified as a multi-state moderate ozone nonattainment area on November 15, 1990, pursuant to the CAA. The Louisville nonattainment area consists of Jefferson County and parts of Bullit

and Oldham Counties, Kentucky, and Floyd and Clark Counties, Indiana.

Section 182(b) of the CAA requires that each state in which all or part of a moderate nonattainment area is located submit, by November 15, 1992, an inventory of actual emissions from all sources, as described in section 172(c)(3) and 182(a)(1), in accordance with guidance provided by the Administrator. This inventory is for calendar year 1990 and is designated the base year inventory. The inventory should include both anthropogenic and biogenic sources of volatile organic compounds (VOCs), nitrogen oxides (NOx), and carbon monoxide (CO), and must address actual emissions of these pollutants in the nonattainment area during the peak ozone season. The inventory should include all point and area sources, as well as all highway and non-highway mobile sources.

In addition, section 182(b)(1)(A) of the CAA requires ozone nonattainment areas classified as moderate and above to develop plans to reduce VOC emissions by 15 percent from the 1990 base year. The plans were to be submitted by November 15, 1993, and the reductions were required to be achieved within six years of enactment or November 15, 1996. The CAA also set limitations on the creditability of certain types of reductions. Specifically, a state cannot take credit for reductions achieved by Federal Motor Vehicle Control Program (FMVCP) measures promulgated prior to 1990, or for reductions resulting from requirements to lower the Reid Vapor Pressure (RVP) of gasoline promulgated prior to 1990 or required under section 211(h) of the CAA, which restricts gasoline RVP. Furthermore, the CAA does not allow credit for corrections to vehicle I/M Programs or corrections to Reasonably Available Control Technology (RACT) rules as these programs were required prior to 1990.

**1990 Base Year Emissions Inventory**

In this action, the EPA is approving the 1990 base year emissions inventory for the Louisville area. Detailed information on the emissions calculations can be obtained at the Regional Office address above. The following table is a summary of the base year emissions inventory.

LOUISVILLE 1990 BASE YEAR EMISSIONS INVENTORY

[Tons/day]

Source type	VOC	NO <sub>x</sub>	CO
Point .....	83.75	147.87	10.14
Area .....	38.69	4.5	28.04

LOUISVILLE 1990 BASE YEAR EMISSIONS INVENTORY—Continued  
[Tons/day]

Source type	VOC	NO <sub>x</sub>	CO
Mobile .....	92.81	40.49	541.22
Nonroad .....	12.68	16.58	54.61
Biogenic .....	20.9	N/A	N/A
Total .....	248.83	209.44	634.01

The EPA is approving this inventory as satisfying the requirements of section 182(a)(1) of the CAA.

**Adjusted Base Year Inventory**

The adjusted base year inventory for VOCs requires exclusion of emission reductions that would occur by 1996 as a result of the FMVCP and RVP regulations promulgated prior to 1990. The following table is a summary of the adjusted base year inventory.

LOUISVILLE 1990 ADJUSTED BASE YEAR INVENTORY  
[Tons/day]

Source type	VOC
Point .....	83.75
Area .....	38.69
Mobile .....	49.52
Nonroad .....	12.68
Total .....	184.64

**1990 Rate-of-Progress Inventory**

The Rate-of-Progress inventory is comprised of the anthropogenic stationary (point and area) and total mobile source emissions in the nonattainment area with all biogenic emissions removed from the base year inventory. The following table is a summary of the Rate-of-Progress baseline inventory.

LOUISVILLE 1990 RATE-OF-PROGRESS BASE YEAR  
[Tons/day]

Source type	VOC
Point .....	83.75
Area .....	38.69
Mobile .....	92.81

LOUISVILLE 1990 RATE-OF-PROGRESS BASE YEAR—Continued  
[Tons/day]

Source type	VOC
Nonroad .....	12.68
Total .....	227.93

**15 Percent Plan**

Kentucky submitted a 15 percent Plan for the Louisville nonattainment area to EPA on November 12, 1993, with additional information submitted on April 5, 1994, and June 30, 1997. This submittal was required in order to demonstrate reasonable further progress in attaining the National Ambient Air Quality Standard (NAAQS) for ozone. This 15 percent plan is not intended to demonstrate attainment of the ozone NAAQS. The CAA required Kentucky to submit a plan by November 15, 1993, and to attain the ozone NAAQS by 1996. In order to demonstrate progress, the Commonwealth must achieve actual VOC emission reductions of at least 15 percent during the first six years after enactment of the CAA. The 15 percent reduction must be based on a decrease from the 1990 base year emissions, excluding emissions from other reduction programs and emission sources outside the nonattainment area.

**Creditable 15 Percent Reduction**

The adjusted base year inventory of 184.64 tons/day is multiplied by 0.15 to calculate the creditable 15 percent reduction in tons/day. Louisville needs a reduction of 27.70 tons/day to obtain the creditable 15 percent reduction.

**Total Expected Reductions by 1996**

The total expected reductions by 1996 include the required 15 percent (27.70

tons/day), the reductions from FMVCP and RVP (43.29 tons/day), corrections to RACT rules (0.00 tons/day) and corrections to I/M programs (0.00 tons/day). Louisville was required to have a total of 70.99 tons/day of VOC reductions by 1996.

**Target Level Emissions for 1996**

To calculate the 1996 target emissions level, the total expected reductions (70.99 tons/day) are subtracted from the 1990 Rate-of-Progress base year inventory (227.93 tons/day) for the Louisville nonattainment area. This gives a 1996 target level emissions of 156.94 tons/day.

**Reductions Needed by 1996 to Achieve 15 Percent Accounting for Growth**

The reductions needed to achieve 15 percent accounting for growth are determined by subtracting the target level emissions (156.94 tons/day) from the 1996 estimated emissions (199.57 tons/day) giving a total of 42.63 tons/day in additional reductions needed.

**Reductions Required by 1996**

In order to meet the target level required for 1996, Louisville must reduce VOC emissions by an additional 42.63 tons/day. The 1990 Rate-of-Progress Base Year inventory is the base inventory from which the 15 percent reduction on existing sources and the reduction from growth by 1996 must be calculated to meet requirements of the CAA.

The following is a summary of the reductions Louisville obtained to meet this requirement. More detailed information concerning specific areas of reduction can be found in the Technical Support Document (TSD) located at the Regional EPA address listed above.

SUMMARY OF VOC REDUCTIONS NEEDED

Jefferson county	Required	Expected	Outcome
Point Sources .....	16.37	16.78	0.41
Area Sources .....	8.98	7.53	- 1.45
Mobile Sources .....	15.48	17.87	2.39
Subtotal .....	40.83	42.18	1.35
Bullit/Oldham Counties .....	1.79	1.20	- 0.59

SUMMARY OF VOC REDUCTIONS NEEDED—Continued

Jefferson county	Required	Expected	Outcome
Total .....	42.62	43.38	(1)

<sup>1</sup> 0.76 tons/day excess reductions.

**1996 Projected Emissions**

The projected emissions for 1996 have been calculated by applying the control measures discussed below to the 1996 Estimated Emissions. The 1996 Projected Emissions are shown as follows:

1996 PROJECTED EMISSIONS [Tons/day]	
Point .....	70.85
Area .....	31.66
Mobile .....	39.51
Nonroad .....	14.17
Total .....	156.19

The 1996 Projected Emissions of 156.19 tons/day are less than the 1996 Target Level Emissions of 156.94 tons/day.

**Control Strategies to Meet the 15 Percent Reduction Requirement and Approval of Supporting Regulations**

*Industrial Source Control Measures*

Regulation 1.18 Rule Effectiveness

Regulation 1.18 Rule Effectiveness is being added and applies to sources subject to Regulation 6.43 VOC Emission Reduction Requirements. Sources must develop a rule effectiveness improvement plan and have all measures implemented by November 15, 1996. These improvements reduce VOC emissions by 12,740 lbs/day or 6.37 tons/day.

1990 Non-Compliance Sources

There were three industrial sources that were not in compliance with existing VOC emission requirements during 1990. The actual emissions of these sources were included in the 1990 emissions inventory. These sources subsequently implemented compliance plans and are now in compliance with these VOC emissions requirements. The reductions from the actual emissions levels down to the allowed emissions levels are included in the final 15 percent VOC emissions reduction plan for the industrial source categories. This results in a reduction of 2,696 lbs/day or 1.35 tons/day.

Regulation 6.43 VOC Emission Reduction Requirements

Regulation 6.43 VOC Emission Reduction Requirements establishes emissions, equipment, and operational requirements for 16 sources. Each source voluntarily agreed to the requirements. The sources are as follows: Akzo Nobel Resins; Alcan Rolled Products Company, Louisville Plant; American Synthetic Rubber Corporation; Ashland Petroleum Company, Aetna Terminal; the Carbide/Graphite Group, Inc.; Courtaulds Coatings, Plant #1; DuPont Dow Elastomers L.L.C.; the Earthgrains Company; Ford Motor Company; Gateway Press, Inc.; Marathon Oil Company, Louisville Terminal; Phillip Morris Incorporated, Maple Street Plant; Reynolds Metals Company, Plant #1; Rohm and Haas Kentucky Inc.; United Defense Louisville Plant; Zeon Chemicals KY, Inc. These requirements reduce VOC emissions by 7,127 lbs/day or 3.56 tons/day. Further details pertaining to the requirements specific to each source can be obtained from the Regional EPA address listed above.

Use of Emission Reduction Credits (ERCs)—Industry Held

The voluntary use of industry held ERCs is a component of Regulation 6.43 and will provide a reduction of 5,859 lbs/day or 2.93 tons/day in VOC emissions. These ERCs have been retired from Louisville's ERC Bank.

Regulation 2.12 Emissions Trading (Including Banking and Bubble Rules)

This regulation is being added to develop Louisville's emission trading and banking program. The regulation is applicable to any pollutant for which Louisville has adopted stationary source control regulations. The application procedures, creation of ERCs, the use of ERCs, the withdrawal of ERCs, and the air quality modeling requirements for use of particulate matter, sulfur dioxide, and carbon monoxide ERCs are all established in the regulation. EPA is not taking action on section 8 Alternate Emission Standards (Bubbles), section 9 Transmittals to EPA, and section 10 Amendments to the State Implementation Plan: Requirements and Exemptions. Approval of these sections is not required for the Louisville area to

operate a banking and trading program and the sections do not meet EPA guidance.

Use of Unallocated Community-Held ERCs.

Regulation 2.12 Emissions Trading (Including Banking and Bubble Rules) is being added to the Louisville SIP to establish the procedural requirements for the use of unallocated community held ERCs. The ERCs used toward the 15 percent plan have been retired from the bank and will provide a reduction of 5,129 lbs/day or 2.56 tons/day in VOC emissions.

*Area Source Control Measures*

Regulation 1.16 Standards for Volatile Organic Compound Content of Architectural and Industrial Maintenance Coatings

This regulation is being added to require a 25 percent reduction in VOC content in coatings used for architectural and industrial maintenance. There are two emission categories relevant to this area: architectural surface coatings and traffic markings. The total projected 1996 emissions from these categories is 12,090 lbs/day. Multiplying this by 0.25 gives a reduction of 3,022 lbs/day or 1.51 tons/day.

Regulation 6.40 Standards of Performance for Gasoline Transfer to Motor Vehicles (Stage II Vapor Recovery and Control)

This regulation is being added to the Louisville SIP and is applicable to gasoline dispensing facilities dispensing gasoline from storage tanks to motor vehicle fuel tanks. This regulation applies to both new and existing gasoline dispensing facilities whose monthly throughput exceeds 10,000 gallons of gasoline based upon calculating the average volume of gasoline dispensed per month over the consecutive 12 month period preceding the effective date of this regulation (August 9, 1993). Regulation 6.40 does not apply to a gasoline dispensing facility of an independent small business marketer which dispenses an average monthly throughput of less than 25,000 gallons of gasoline per month. The application of Stage II vapor recovery equipment on the gasoline

dispensing facilities in the County as specified in Regulation 6.40 is expected to result in a reduction of 95 percent in the relevant VOC emissions. Since the use of reformulated gasoline has been mandated for the area through the Commonwealth's opt-in to the program, an allowance was made for this reduction prior to calculating the Stage II reduction. The EPA estimate of 3.5% was used. The following provides the basis for the estimate of the emission reduction:

1996 Projected Emissions (no RFG)—  
11,299 lbs/day  
3.5% Reduction for RFG— - 395 lbs/day  
Net projected 1996 Emissions—10,904  
lbs/day  
 $10,904 \text{ lbs/day} \times 0.95 = 10,358 \text{ lbs/day}$   
or 5.18 tons/day reduction.

**Regulation 6.44 Standards of Performance for Existing Commercial Motor Vehicle and Mobile Equipment Refinishing Operations and Regulation 7.79 Standards of Performance for New Commercial Motor Vehicle and Mobile Equipment Refinishing Operations**

These regulations are being added to the Louisville SIP and are applicable to commercial facilities making spot repairs, panel repairs, refinishing of parts and/or the refinishing of the entire motor vehicle or mobile equipment. These regulations require auto refinishing shops to reduce VOC emissions by limiting solvent use, paints, equipment used or some combination of these options and result in 0.57 tons/day reduction in VOC emissions.

**Regulation 6.45 Standards of Performance for Existing Solid Waste Landfills**

This regulation is being added to the Louisville SIP and is applicable to existing solid waste landfills located in Jefferson County, Kentucky that commenced operation before or after February 2, 1994. This regulation involves the control of VOC emissions from landfill waste disposal sites implementing collection and combustion of landfill gases and will result in a 0.10 tons/day reduction in VOC emissions.

**Gasoline Controls for Off-Road Mobile Sources**

By adopting the use of reformulated gasoline for non-road engines Louisville will obtain a reduction of 0.17 tons/day.

*Mobile Source Control Measures*

**Regulation 8.03 Commuter Vehicle Testing Requirements**

This regulation is being added to the Jefferson County SIP and is applicable

to the owners or operators of vehicles who routinely or regularly commute to Jefferson County, Kentucky for employment or self employment. The provisions of this regulation also apply to all employers and self-employers with one or more employees who routinely or regularly commute to Jefferson County for employment or self employment. Commuters shall have their vehicle's emissions tested on an annual basis at a Jefferson County Vehicle Emissions Testing Center and shall comply with Regulation 8.01 unless exempted. This regulation will result in a 4.98 tons/day reduction in VOC emissions.

**Gasoline Controls**

Implementation of reformulated gasoline for onroad mobile sources reduces VOC emissions by of 9.99 tons/day.

**Other Control Measures**

In an effort to gain additional reductions, Louisville is implementing the following programs: Transit (1.30 ton/day), Rideshare (1.10 tons/day), Alternate Fuel Vehicles (0.10 tons/day), and Traffic Signal Improvements (0.40 tons/day) for a total reduction in VOC emissions of 2.90 tons/day.

**Final Action**

The EPA is granting final approval of the Louisville 1990 Base Year Emissions Inventory and 15 percent plan because they are consistent with the CAA and EPA requirements. Final approval is also being granted to the regulations discussed in the previous section of this document.

Also included in this submittal were revisions to Regulation 1.02 Definitions; Regulation 1.04 Performance Tests; Regulation 1.06 Source Self Monitoring and Reporting; Regulation 1.07 Emissions During Shutdowns, Malfunctions, and Emergencies; Regulation 1.08 Administrative Procedures; Regulation 2.02 Air Pollution Regulation; Regulation 2.03 Permit Requirements—Non-Title V Operating Permits and Construction/Demolition Permits; Regulation 2.07 Public Notification; Regulation 2.08 Emission Fees, Permit Fees, and Permit Renewal Procedures; Regulation 5.14 Hazardous Air Pollutants; and Regulation 6.42 VOC and NOx RACT. Action on these regulations will be taken in a separate notice.

Nothing in this action should be construed as making any determination or expressing any position regarding Kentucky's audit privilege and penalty immunity law, Kentucky—"KRS 224.01-040", or its impact upon any

approved provision in the SIP, including the revision at issue here. The action taken herein does not express or imply any viewpoint on the question of whether there are legal deficiencies in this or any other Clean Air Act program resulting from the effect of Kentucky's audit privilege and immunity law. A state audit privilege and immunity law can affect only state enforcement and cannot have any impact on federal enforcement authorities. EPA may at any time invoke its authority under the Clean Air Act, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the Clean Air Act is likewise unaffected by a state audit privilege or immunity law.

## **I. Administrative Requirements**

### *A. Executive Order 12866*

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, entitled "Regulatory Planning and Review."

### *B. Executive Order 12875*

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies with consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities.

### *C. Executive Order 13084*

Under Executive Order 13084, EPA may not issue a regulation that is not

required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

#### D. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

#### E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.

Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co., v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

#### F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of \$100 million or more. Under section 205, 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 EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

#### G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the

agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit 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 United States prior to publication of the rule in the **Federal Register**. This rule is not a "major" rule as defined by 5 U.S.C. 804(2).

#### H. Petitions for Judicial Review

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 November 12, 1999. 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, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: August 20, 1999.

**Michael V. Peyton,**

*Acting Regional Administrator, Region 4.*

Part 52 of chapter I, title 40, *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 *et seq.*

#### Subpart S—Kentucky

2. Section 52.939, is amended by adding paragraph (c)(94) to read as follows:

#### § 52.939 Original identification of plan section.

\* \* \* \* \*

(c) \* \* \*

(94) Approval of the Louisville 15 percent plan and supporting regulations including the 1990 Base Year Emissions Inventory submitted by Kentucky on November 12, 1993, and amended on April 5, 1994, and June 30, 1997.

(i) Incorporation by reference.

Regulation 6.43 Volatile Organic Compound Emission Reduction Requirements, amended May 21, 1997.

Regulation 1.18 Rule Effectiveness, adopted September 21, 1994.

Regulation 2.12 Emissions Trading (Including Banking and Bubble Rules), sections 1-7, amended December 18, 1996.

Regulation 1.16 Standards for Volatile Organic Compound Content of Architectural and Industrial Maintenance Coatings, adopted February 2, 1994.

Regulation 6.40 Standards of Performance for Gasoline Transfer to Motor Vehicles (Stage II Vapor Recovery and Control), amended August 9, 1993.

Regulation 6.44 Standards of Performance for Existing Commercial Motor Vehicles and Mobile Equipment Refinishing Operations, adopted February 2, 1994.

Regulation 7.79 Standards of Performance for New Commercial Motor Vehicle and Mobile Equipment Refinishing Operations, adopted February 2, 1994.

Regulation 6.45 Standards of Performance for Existing Solid Waste Landfills, adopted February 2, 1994.

Regulation 8.03 Commuter Vehicle Testing Requirements, amended September 15, 1993.

(ii) Other material. None.

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[FR Doc. 99-23579 Filed 9-10-99; 8:45 am]

BILLING CODE 6560-50-P

## CHRISTOPHER COLUMBUS QUINCENTENARY JUBILEE COMMISSION

### 45 CFR Chapter XXII

#### Removal of CFR chapter

Effective December 31, 1993, the Christopher Columbus Quincentenary Jubilee Commission was terminated by Public Law 98-375, 98 Stat. 1257; as amended by Public Law 100-94, 101 Stat. 700. Therefore, the **Office of the Federal Register** is removing CCQJC regulations pursuant to its authority to maintain an orderly system of codification under 44 U.S.C. 1510 and 1 CFR part 8.

Accordingly, 45 CFR is amended by removing parts 2200 through 2299 and vacating Chapter XXII.

[FR Doc. 99-55529 Filed 9-10-99; 8:45 am]

BILLING CODE 1505-01-D