

opposition shall be filed no later than 21 days prior to the hearing. If a notice to show cause is issued, an opposing party may file a response thereto notwithstanding any opposition it may have filed prior to issuance of the notice. The time for filing the response shall be fixed in the notice to show cause. It is not required that either the opposition or the response be supported by affidavits or other documentary evidence showing that there is a genuine issue for hearing. The Board in its discretion may deny the motion where the motion itself fails to establish the absence of a genuine issue, or where the opposing party's pleadings, opposition and/or response indicate on their face that a genuine issue may exist. If the opposing party files no opposition or response, the Board may treat the motion as conceded, and default judgment, summary judgment, or dismissal, if appropriate, shall be entered.

■ 3. In § 102.35 paragraph (a) introductory text is republished and (a)(8) is revised to read as follows:

§ 102.35 Duties and powers of administrative law judges; stipulations of cases to administrative law judges or to the Board; assignment and powers of settlement judges.

(a) It shall be the duty of the administrative law judge to inquire fully into the facts as to whether the respondent has engaged in or is engaging in an unfair labor practice affecting commerce as set forth in the complaint or amended complaint. The administrative law judge shall have authority, with respect to cases assigned to him, between the time he is designated and transfer of the case to the Board, subject to the Rules and Regulations of the Board and within its powers:

* * * * *

(8) To dispose of procedural requests, motions, or similar matters, including motions referred to the administrative law judge by the Regional Director and motions for default judgment, summary judgment, or to amend pleadings; also to dismiss complaints or portions thereof; to order hearings reopened; and upon motion order proceedings consolidated or severed prior to issuance of administrative law judge decisions;

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■ 4. Section 102.114(g) is revised to read as follows:

§ 102.114 Filing and service of papers by parties; form of papers; manner and proof of filing or service; electronic filings.

* * * * *

(g) Facsimile transmissions of the following documents will not be accepted for filing: Showing of Interest in Support of Representation Petitions, including Decertification Petitions; Answers to Complaints; Exceptions or Cross-Exceptions; Briefs; Requests for Review of Regional Director Decisions; Administrative Appeals from Dismissal of Petitions or Unfair Labor Practice Charges; Objections to Settlements; EAJA Applications; Motions for Default Judgment; Motions for Summary Judgment; Motions to Dismiss; Motions for Reconsideration; Motions to Clarify; Motions to Reopen the Record; Motions to Intervene; Motions to Transfer, Consolidate or Sever; or Petitions for Advisory Opinions. Facsimile transmissions in contravention of this rule will not be filed.

* * * * *

Dated: January 6, 2004.

By direction of the Board.

Lester A. Heltzer,

Executive Secretary.

[FR Doc. 04-504 Filed 1-9-04; 8:45 am]

BILLING CODE 7540-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[KY-200404; FRL-7601-2]

Approval and Promulgation of Air Quality Implementation Plans; Kentucky Update to Materials Incorporated by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; notice of administrative change.

SUMMARY: EPA is updating the materials submitted by Kentucky that are incorporated by reference (IBR) into the Kentucky State Implementation Plan (SIP). The regulations affected by this update have been previously submitted by the state agency and approved by EPA. In this document, EPA is updating the material being IBRed, modifying the IBR table format, and correcting erroneous dates. EPA is also revising the "EPA-Approved Kentucky Non-regulatory Provisions" table by removing provisions which are no longer in effect and provisions which were later revised and are listed elsewhere in the table. This table now lists the most current, approved non-regulatory provision rather than tracking the approval history of individual provisions. This update affects the SIP materials that are available for public

inspection at the Office of the Federal Register (OFR), Office of Air and Radiation Docket and Information Center, and the Regional Office.

EFFECTIVE DATE: This action is effective January 12, 2004.

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 4, 61 Forsyth Street, SW., Atlanta, GA 30303; Office of Air and Radiation Docket and Information Center, Room B-108, 1301 Constitution Avenue, (Mail Code 6102T) NW., Washington, DC 20460, and Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Michele Notarianni at the above Region 4 address, by phone at (404) 562-9031, or via e-mail at: notarianni.michele@epa.gov.

SUPPLEMENTARY INFORMATION: The SIP is a living document which the State can revise as necessary to address the unique air pollution problems in the State. Therefore, EPA from time to time must take action on SIP revisions containing new and/or revised regulations as being part of the SIP. On May 22, 1997, (62 FR 27968) EPA revised the procedures for incorporating by reference Federally-approved SIPs, as a result of consultations between EPA and OFR. The description of the revised SIP document, IBR procedures and "Identification of plan" format are discussed in further detail in the May 22, 1997, **Federal Register** document. On May 27, 1999, EPA published a document in the **Federal Register** (64 FR 28750) with the new IBR procedure for Kentucky. In this document, EPA is updating the material being IBRed, modifying the IBR table format, and correcting erroneous dates. EPA is also revising the "EPA-Approved Kentucky Non-regulatory Provisions" table by removing provisions which are no longer in effect and provisions which were later revised and are listed elsewhere in the table. This table now lists the most current, approved non-regulatory provision rather than tracking the approval history of individual provisions.

EPA has determined that today's rule falls under the "good cause" exemption in section 553(b)(3)(B) of the Administrative Procedures Act (APA) which, upon finding "good cause," authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed

effective date otherwise provided for in the APA). Today's rule simply codifies provisions which are already in effect as a matter of law in Federal and approved state programs. Under section 553 of the APA, an agency may find good cause where procedures are "impractical, unnecessary, or contrary to the public interest." Public comment is "unnecessary" and "contrary to the public interest" since the codification only reflects existing law. Immediate notice in the CFR benefits the public by updating citations.

Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the

Clean Air Act. This rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

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 March 12, 2004. 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,

Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: December 4, 2003.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

■ Chapter I, title 40, Code of Federal Regulations, is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401 *et seq.*

Subpart S—Kentucky

■ 2. Section 52.920 paragraphs (b), (c), and (d) are revised to read as follows:

§ 52.920 Identification of plan.

* * * * *

(b) Incorporation by reference.

(1) Material listed in paragraph (c) of this section with an EPA approval date prior to October 1, 2003, for the Commonwealth of Kentucky (Table 1) and November 23, 2001, for Jefferson County, Kentucky (Table 2) was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the **Federal Register**. Entries in paragraph (c), Table 1, and paragraph (d) of this section with EPA approval dates after October 1, 2003, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 4 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated state rules/regulations which have been approved as part of the State and Local Implementation Plans listed in paragraph (b)(1) of this section.

(3) Copies of the materials incorporated by reference may be inspected at the Region 4 EPA Office at 61 Forsyth Street, SW., Atlanta, GA 30303; the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.; or at the EPA, Office of Air and Radiation Docket and Information Center, Room B-108, 1301 Constitution Avenue, (Mail Code 6102T) NW., Washington, DC 20460.

(c) EPA-approved regulations.

TABLE 1.—EPA-APPROVED KENTUCKY REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
Chapter 50 Division for Air Quality; General Administrative Procedures				
401 KAR 50:005	General application	06/06/79	07/12/82, 47 FR 30059.	
401 KAR 50:010	Definitions and abbreviations of terms used in Title 401, Chapters 50, 51, 53, 55, 57, 59, 61, 63, and 65.	06/06/96	01/21/97, 62 FR 2915.	
401 KAR 50:012	General application	11/12/97	07/24/98, 63 FR 39739.	
401 KAR 50:015	Documents incorporated by reference	04/14/88	02/07/90, 55 FR 4169.	
401 KAR 50:020	Air quality control regions	06/06/79	07/12/82, 47 FR 30059.	
401 KAR 50:025	Classification of counties	06/01/83	04/02/96, 61 FR 14489.	
401 KAR 50:030	Registration of sources	06/06/79	07/12/82, 47 FR 30059.	
401 KAR 50:032	Prohibitory rule for hot mix asphalt plants	04/13/98	03/10/00, 65 FR 12948.	
401 KAR 50:035	Permits	09/28/94	09/27/95, 60 FR 49775.	
401 KAR 50:040	Air quality models	06/06/79	07/12/82, 47 FR 30059.	
401 KAR 50:042	Good engineering practice stack height	06/10/86	09/04/87, 52 FR 33592.	
401 KAR 50:045	Performance tests	06/06/79	07/12/82, 47 FR 30059.	
401 KAR 50:047	Test procedures for capture efficiency	06/24/92	06/23/94, 59 FR 32343.	
401 KAR 50:050	Monitoring	06/06/79	07/12/82, 47 FR 30059.	
401 KAR 50:055	General compliance requirements	09/22/82	05/04/89, 54 FR 19169.	
401 KAR 50:060	Enforcement	06/06/79	07/12/82, 47 FR 30059.	
401 KAR 50:065	Conformity of general federal actions	10/11/95	07/27/98, 63 FR 40044.	
Chapter 51 Attainment and Maintenance of the National Ambient Air Quality Standards				
401 KAR 51:001	Definitions for 401 KAR Chapter 51	12/18/02	06/24/03, 68 FR 37418.	
401 KAR 51:005	Purpose and general provisions	06/06/79	07/12/82, 47 FR 30059.	
401 KAR 51:010	Attainment status designations	11/12/97	07/24/98, 63 FR 39739.	
401 KAR 51:017	Prevention of significant deterioration of air quality	03/12/97	07/24/98, 63 FR 39741.	
401 KAR 51:052	Review of new sources in or impacting upon nonattainment areas.	02/08/93	06/23/94, 59 FR 32343.	
401 KAR 51:160	NO _x requirements for large utility and industrial boilers	12/18/02	06/24/03, 68 FR 37418.	
401 KAR 51:170	NO _x requirements for cement kilns	08/15/01	04/11/02, 67 FR 17624.	
401 KAR 51:180	NO _x credits for early reduction and emergency	08/15/01	04/11/02, 67 FR 17624.	
401 KAR 51:190	Banking and trading NO _x allowances	08/15/01	04/11/02, 67 FR 17624.	
401 KAR 51:195	NO _x opt-in provisions	08/15/01	04/11/02, 67 FR 17624.	
Chapter 53 Ambient Air Quality				
401 KAR 53:005	General provisions	04/14/88	02/07/90, 55 FR 4169.	
401 KAR 53:010	Ambient air quality standards	04/14/88	02/07/90 55 FR 4169.	
Chapter 55 Emergency Episodes				
401 KAR 55:005	Significant harm criteria	04/14/88	02/07/90, 55 FR 4169.	
401 KAR 55:010	Episode criteria	04/14/88	02/07/90, 55 FR 4169.	
401 KAR 55:015	Episode declaration	06/06/79	01/25/80, 45 FR 6092.	
401 KAR 55:020	Abatement strategies	06/06/79	01/25/80, 45 FR 6092.	
Chapter 59 New Source Standards				
401 KAR 59:001	Definitions and abbreviations of terms used in Title 401, Chapter 59.	06/06/96	01/21/97, 62 FR 2915.	
401 KAR 59:005	General provisions	12/01/82	12/04/86, 51 FR 43742.	
401 KAR 59:010	New process operations	04/14/88	02/07/90, 55 FR 4169.	
401 KAR 59:015	New indirect heat exchangers	01/07/81	03/22/83, 48 FR 11945.	
401 KAR 59:020	New incinerators	06/06/79	07/12/82, 47 FR 30059.	
401 KAR 59:046	Selected new petroleum refining processes and equipment	06/29/79	08/07/81, 46 FR 40188.	
401 KAR 59:050	New storage vessels for petroleum liquids	02/04/81	03/30/83, 48 FR 13168.	
401 KAR 59:080	New kraft (sulfate) pulp mills	06/06/79	01/25/80, 45 FR 6092.	
401 KAR 59:085	New sulfite pulp mills	06/06/79	07/12/82, 47 FR 30059.	
401 KAR 59:090	New ethylene producing plants	06/06/79	07/12/82, 47 FR 30059.	
401 KAR 59:095	New oil-effluent water separators	06/29/79	08/07/81, 46 FR 40188.	
401 KAR 59:101	New bulk gasoline plants	09/28/94	06/28/96, 61 FR 33674.	
401 KAR 59:105	New process gas streams	04/07/82	03/22/83, 48 FR 11945.	
401 KAR 59:174	Stage II controls at gasoline dispensing facilities	01/12/98	12/08/98, 63 FR 67586	
401 KAR 59:175	New service stations	02/08/93	06/23/94, 59 FR 32343.	
401 KAR 59:185	New solvent metal cleaning equipment	06/24/92	06/23/94, 59 FR 32343.	
401 KAR 59:190	New insulation of magnet wire operations	06/24/92	06/23/94, 59 FR 32343.	
401 KAR 59:210	New fabric, vinyl and paper surface coating operations	06/24/92	06/23/94, 59 FR 32343.	
401 KAR 59:212	New graphic arts facilities using rotogravure and flexography ..	06/24/92	06/23/94, 59 FR 32343.	

TABLE 1.—EPA-APPROVED KENTUCKY REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
401 KAR 59:214	New factory surface coating operations of flat wood paneling ..	06/24/92	06/23/94, 59 FR 32343.	
401 KAR 59:225	New miscellaneous metal parts and products surface coating operation.	06/24/92	06/23/94, 59 FR 32343.	
401 KAR 59:230	New synthesized pharmaceutical product manufacturing operations.	06/24/92	06/23/94, 59 FR 32343.	
401 KAR 59:235	New pneumatic rubber tire manufacturing plants	02/04/81	03/30/83, 48 FR 13168.	
401 KAR 59:240	New perchloroethylene dry cleaning systems	06/24/92	06/23/94, 59 FR 32343.	
401 KAR 59:315	Specific new sources	06/24/92	06/23/94, 59 FR 32343.	
Chapter 61 Existing Source Standards				
401 KAR 61:001	Definitions and abbreviations of terms used in 401 KAR Chapter 61.	06/06/96	01/21/97, 62 FR 2915.	
401 KAR 61:005	General provisions	12/01/82	05/04/89, 54 FR 19169.	
401 KAR 61:010	Existing incinerators	06/06/79	05/04/89, 54 FR 19169.	
401 KAR 61:015	Existing indirect heat exchangers	06/01/83	04/02/96, 61 FR 14489.	
401 KAR 61:020	Existing process operations	04/14/88	02/07/90, 55 FR 4169.	
401 KAR 61:025	Existing kraft (sulfate) pulp mills	06/06/79	05/26/82, 47 FR 22955	
401 KAR 61:030	Existing sulfuric acid plants	06/06/79	03/22/83, 48 FR 11945.	
401 KAR 61:035	Existing process gas streams	04/07/82	03/22/83, 48 FR 11945.	
401 KAR 61:040	Existing ethylene producing plants	06/06/79	01/25/80, 45 FR 6092.	
401 KAR 61:045	Existing oil-effluent water separators	06/29/79	08/07/81, 46 FR 40188.	
401 KAR 61:050	Existing storage vessels for petroleum liquids	06/24/92	06/23/94, 59 FR 32345.	
401 KAR 61:055	Existing loading facilities at bulk gasoline terminals	08/24/82	03/30/83, 48 FR 13168.	
401 KAR 61:056	Existing bulk gasoline plants	09/28/94	06/28/96, 61 FR 33674.	
401 KAR 61:060	Existing sources using organic solvents	06/29/79	01/25/80, 45 FR 6092.	
401 KAR 61:065	Existing nitric acid plants	06/06/79	07/12/82, 47 FR 30059.	
401 KAR 61:070	Existing ferroalloy production facilities	06/06/79	05/03/84, 49 FR 18833.	
401 KAR 61:075	Steel plants and foundries using existing electric arc furnaces	12/01/82	05/04/89, 54 FR 19169.	
401 KAR 61:080	Steel plants using existing basic oxygen process furnaces	04/01/84	05/04/89, 54 FR 19169.	
401 KAR 61:085	Existing service stations	02/08/93	06/23/94, 59 FR 32343.	
401 KAR 61:090	Existing automobile and light-duty truck surface coating operations.	06/24/92	06/23/94, 59 FR 32343.	
401 KAR 61:095	Existing solvent metal cleaning equipment	06/24/92	06/23/94, 59 FR 32343.	
401 KAR 61:100	Existing insulation of magnet wire operations	06/24/92	06/23/94, 59 FR 32343.	
401 KAR 61:105	Existing metal furniture surface coating operations	06/24/92	06/23/94, 59 FR 32343.	
401 KAR 61:110	Existing large appliance surface coating operations	06/24/92	06/23/94, 59 FR 32343.	
401 KAR 61:120	Existing fabric, vinyl and paper surface coating operations	06/24/92	06/23/94, 59 FR 32343.	
401 KAR 61:122	Existing graphic arts facilities using rotogravure and flexography.	06/24/92	06/23/94, 59 FR 32343.	
401 KAR 61:124	Existing factory surface coating operations of flat wood paneling.	06/24/92	06/23/94 59 FR 32343.	
401 KAR 61:125	Existing can surface coating operations	06/24/92	06/23/94, 59 FR 32343.	
401 KAR 61:130	Existing coil surface coating operations	06/24/92	06/23/94, 59 FR 32343.	
401 KAR 61:132	Existing miscellaneous metal parts and products surface coating operations.	06/24/92	06/23/94, 59 FR 32343.	
401 KAR 61:135	Selected existing petroleum refining processes and equipment	06/29/79	01/25/80, 45 FR 6092.	
401 KAR 61:137	Leaks from existing petroleum refinery equipment	06/24/92	06/23/94, 59 FR 32343.	
401 KAR 61:140	Existing by-product coke manufacturing plants	09/04/86	05/04/89, 54 FR 19169.	
401 KAR 61:145	Existing petroleum refineries	01/07/81	03/22/83, 48 FR 11945.	
401 KAR 61:150	Existing synthesized pharmaceutical product manufacturing operations.	06/24/92	06/23/94, 59 FR 32343.	
401 KAR 61:155	Existing pneumatic rubber tire manufacturing plants	06/24/92	06/23/94, 59 FR 32343.	
401 KAR 61:160	Existing perchloroethylene dry cleaning systems	06/24/92	06/23/94, 59 FR 32343.	
401 KAR 61:165	Existing primary aluminum reduction plants	06/04/85	12/02/86, 51 FR 43395.	
401 KAR 61:170	Existing blast furnace casthouses	04/14/88	02/07/90, 55 FR 4169.	
401 KAR 61:175	Leaks from existing synthetic organic chemical and polymer manufacturing equipment.	06/24/92	06/23/94, 59 FR 32343.	
Chapter 63 General Standards of Performance				
401 KAR 63:001	Definitions and abbreviations of terms used in 401 KAR Chapter 63.	06/06/96	01/21/97, 62 FR 2915.	
401 KAR 63:005	Open burning	01/12/98	12/08/98, 63 FR 67586.	
401 KAR 63:010	Fugitive emissions	06/06/79	07/12/82, 47 FR 30059.	
401 KAR 63:015	Flares	06/06/79	12/24/80, 45 FR 84999.	
401 KAR 63:020	Potentially hazardous matter or toxic substances	06/06/79	12/24/80, 45 FR 84999.	
401 KAR 63:025	Asphalt paving operations	06/24/92	06/23/94, 59 FR 32343.	
401 KAR 63:031	Leaks from gasoline tank trunks	02/08/93	06/23/94, 59 FR 32343.	

TABLE 1.—EPA-APPROVED KENTUCKY REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
Chapter 65 Mobile Source-Related Emissions				
401 KAR 65:001	Definitions and abbreviations of terms used in 401 KAR Chapter 65.	08/15/01	09/24/02, 67 FR 59785.	
401 KAR 65:005	Liquefied petroleum gas carburetion systems	06/06/79	01/25/80, 45 FR 6092.	
401 KAR 65:010	Vehicle emission control programs	08/15/01	09/24/02, 67 FR 59785.	

(d) EPA-approved source-specific requirements.

EPA-APPROVED KENTUCKY SOURCE-SPECIFIC REQUIREMENTS

Name of source	Permit No.	State effective date	EPA approval date	Explanations
Bubble action at Kentucky Utilities Green River Plant.	N/A	12/01/80	06/15/81, 46 FR 31260.	
Bubble action at Corning Glassworks	N/A	05/18/81	10/29/81, 46 FR 53408.	
Bubble action at National Distillers Company's, Old Crow Plant.	N/A	12/24/80	09/14/81, 46 FR 45610.	
Bubble action at General Electric in Louisville	N/A	08/07/81	01/12/82, 47 FR 1291.	
Bubble action at Borden Chemical CO in Jefferson CO..	N/A	03/05/82	05/11/82, 47 FR 20125.	
Variance for seven perchloroethylene dry cleaners.	N/A	08/04/82	05/02/83, 48 FR 19176.	
Variance for two dry cleaners	N/A	01/27/83	05/05/83, 48 FR 20233.	
Variance for Jiffy and Hiland Dry Cleaners	N/A	04/25/84	04/18/85, 50 FR 15421.	
TVA Paradise Permit	KDEPDAQ Permit 0-87-012	06/29/87	08/25/89, 54 FR 35326.	
Opacity variance for boiler Units 1 and 2 of TVA's Paradise Steam Plant.	KDEPDAQ Permit 0-86-75	07/24/96	08/17/88, 53 FR 30998.	
Operating Permits for nine presses at the Alcan Foil Products facility—Louisville.	APCDJC Permits 103-74, 104-74, 105-74, 103-74, 110-74, 111-74.	02/28/90	05/16/90, 55 FR 20269.	
Operating Permit requiring VOC RACT for Calgon CO.	KDEPDAQ Permit 0-94-020	11/17/94	05/24/95, 60 FR 27411.	
Reynolds Metals Company	APCDJC Permits 103-74, 104-74, 016-74, 110-74, 111-74.	04/16/97	01/13/98, 63 FR 1929.	
Alternative Averaging Period for American Greetings Corporation.	KDEPDAQ Permit V-98-049	07/07/99	05/09/01, 66 FR 23617.	
Title V permit requiring VOC RACT for Publisher's Printing, Inc., Bullitt County.	KDEPDAQ Permit 21-029-00019.	07/20/01	10/23/01, 66 FR 53664.	
Board Order American Synthetic Rubber Company.	NO _x RACT Plan 12/20/00	01/01/01	10/23/01, 66 FR 53684.	
Board Order E.I. du Pont de Nemours & Company.	NO _x RACT Plan 02/21/01	03/01/01	10/23/01, 66 FR 53684.	
Board Order Ford Louisville Assembly Plant	NO _x RACT Plan 11/08/99	01/01/00	10/23/01, 66 FR 53684.	
Board Order General Electric Company	NO _x RACT Plan 01/17/01	03/01/01	10/23/01, 66 FR 53684.	
Board Order Kosmos Cement Company	NO _x RACT Plan 11/15/00	01/01/01	10/23/01, 66 FR 53684.	
Board Order Louisville Gas and Electric Company, Cane Run Generating Station.	NO _x RACT Plan 10/18/00	01/01/01	10/23/01, 66 FR 53684.	
Board Order Louisville Gas and Electric Company, Mill Creek Generating Station.	NO _x RACT Plan 10/18/00	01/01/01	10/23/01, 66 FR 53684.	
Board Order Louisville Medical Center Steam Plant.	NO _x RACT Plan 02/21/01	04/01/01	10/23/01, 66 FR 53685.	
Board Order Oxy Vinyls, LP	NO _x RACT Plan 12/20/00	01/01/01	10/23/01, 66 FR 53685.	
Board Order Rohm and Haas Company	NO _x RACT Plan 12/20/00	01/01/01	10/23/01, 66 FR 53685.	
Board Order Texas Gas Transmission	NO _x RACT Plan 11/08/99	01/01/00	10/23/01, 66 FR 53685.	
Lawson Mardon Packaging, USA, Inc.	N/A	08/11/03	07/10/03, 68 FR 41084.	

(e) EPA-approved non-regulatory provisions.

EPA—APPROVED KENTUCKY NON-REGULATORY PROVISIONS

Name of non-regulatory SIP provision	Applicable geographic or non-attainment area	State submittal date/ effective date	EPA approval date	Explanations
Air Quality surveillance plan Protection Visibility in Class I Areas	Commonwealth of Kentucky Mammoth Cave National Park (Class I area).	11/15/79 08/31/97	11/16/81, 46 FR 56198. 07/12/88, 53 FR 26253.	
Small Business Assistance Program Lexington Maintenance Plan Ashland-Huntington Maintenance Plan Maintenance Plan for Owensboro & Edmonson County Area. Northern Kentucky 15% Plan & I/M	Commonwealth of Kentucky Fayette County, Scott County ... Boyd County, Greenup County .. Daviess County, Hancock County, Edmonson County. Boone, Campbell and Kenton Counties.	07/15/93 01/15/93 05/24/95 04/14/98 09/11/98	06/19/95, 60 FR 31915. 09/11/95, 60 FR 47094. 06/29/95, 60 FR 33752. 09/03/98, 63 FR 46898. 12/08/98, 63 FR 67591.	
Negative Declarations for the nonattainment por- tions of Bullitt and Oldham Counties in Louis- ville 1-hour moderate ozone nonattainment area for CTG rules for aerospace, SOCMI, shipbuilding, and wood furniture manufacturing. Negative Declarations submitted by the Air Pollu- tion Control District of Jefferson County for the Louisville 1-hour moderate ozone nonattain- ment area for CTG rules for aerospace, ship- building, and wood furniture manufacturing. Louisville Ozone Maintenance Plan	Jefferson County, Bullitt County, Oldham County. Jefferson County, Bullitt County, Oldham County. Jefferson County and portions of Bullitt and Oldham Counties.	12/14/99 02/26/01 07/09/01	10/23/01, 66 FR 53665. 10/23/01, 66 FR 53665. 10/23/01, 66 FR and 53685.	
Maintenance Plan for Paducah Area	Marshall County and a portion of Livingston County.	06/14/01	08/20/01, 66 FR 43488.	
Northern Kentucky Maintenance Plan revisions ...	Boone, Campbell and Kenton Counties.	05/02/03	05/30/03, 68 FR 32384.	

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[FR Doc. 04-459 Filed 1-9-04; 8:45 am]
BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 289-0418a; FRL-7600-9]

Revision to the California State Implementation Plan, Monterey Bay Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the Monterey Bay Unified Air Pollution Control District (MBUAPCD) portion of the California State Implementation Plan (SIP). The revisions concern the emission of particulate matter (PM-10) from open outdoor burning. We are approving a local rule and removing rescinded local rules that regulate this emission source under the Clean Air Act as amended in 1990 (CAA or the Act).

DATES: This rule is effective on March 12, 2004 without further notice, unless EPA receives adverse comments by February 11, 2004. If we receive such comments, we will publish a timely

withdrawal in the **Federal Register** to notify the public that this rule will not take effect.

ADDRESSES: Send comments to Andy Steckel, Rulemaking Office Chief (AIR-4), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, or e-mail to steckel.andrew@epa.gov, or submit comments at <http://www.regulations.gov>.

You can inspect a copy of the submitted rule and EPA's technical support document (TSD) at our Region IX office during normal business hours. You may also see a copy of the submitted rule and TSD at the following locations:

Environmental Protection Agency, Air Docket (6102), Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 "I" Street, Sacramento, CA 95814.

Monterey Bay Unified Air Pollution Control District, 24580 Silver Cloud Court, Monterey, CA 93940.

A copy of the rule may also be available via the Internet at <http://www.arb.ca.gov/drdb/drdbltx.htm>. Please be advised that this is not an EPA Web site and may not contain the same

version of the rule that was submitted to EPA.

FOR FURTHER INFORMATION CONTACT: Al Petersen, Rulemaking Office (AIR-4), U.S. Environmental Protection Agency, Region IX, (415) 947-4118, petersen.alfred@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, "we," "us" and "our" refer to EPA.

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I. The State's Submittal

A. What Rules Did the State Submit?

Table 1 lists the rules and dates that MBUAPCD adopted or rescinded the local rules and when they were submitted to EPA by the California Air Resources Board (CARB).