

**DEPARTMENT OF VETERANS
AFFAIRS****38 CFR Part 4****Schedule for Rating Disabilities***CFR Correction*

In title 38 of the Code of Federal Regulations, parts 0 to 17, revised as of July 1, 1994, on pages 383 and 384, in § 4.84a, table V, in the heading and in the entries "15/200 (45/60)" and "5/200 (15/60)" should read "15/200 (4.5/60)" and "5/200 (1.5/60)" respectively.

BILLING CODE 1505-01-D

**ENVIRONMENTAL PROTECTION
AGENCY****40 CFR Parts 52 and 81**

[KY-069-2-6785a; FRL 5118-1]

**Approval and Promulgation of
Implementation Plans and Designation
of Areas for Air Quality Planning
Purposes; Commonwealth of Kentucky**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On November 13, 1992, the Commonwealth of Kentucky through the Natural Resources and Environmental Protection Cabinet (Cabinet), submitted a maintenance plan and a request to redesignate the Lexington, Owensboro, Paducah, and Edmonson County areas from nonattainment to attainment for ozone (O₃). The marginal nonattainment areas include the following counties: Lexington (Fayette and Scott), Owensboro (Davies and a portion of Hancock), Paducah (Livingston and a portion of Marshall), and Edmonson County. Under the Clean Air Act (CAA), designations can be changed if sufficient data are available to warrant such changes and the redesignation request satisfies the criteria set forth in the CAA. In this action, EPA is approving the redesignation to attainment of the Paducah area and the associated maintenance plan because it meets the maintenance plan and redesignation requirements. EPA has published the approval of the redesignation request to attainment and maintenance plan for the Owensboro and Edmonson County and will act on the request to redesignate to attainment the Lexington area in a future notice. In this action, EPA is also approving the 1990 base year inventory for the Paducah marginal O₃ nonattainment area.

DATES: This final rule will be effective April 10, 1995 unless adverse or critical comments are received by March 9, 1995. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments on this action should be addressed to Scott Southwick, at the EPA Regional Office listed below. 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.

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 IV, Air Programs Branch, 345 Courtland Street NE, Atlanta, GA 30365
Commonwealth of Kentucky, Natural Resources and Environmental Protection Cabinet, Department for Environmental Protection, Division for Air Quality, 803 Schenkel Lane, Frankfort, KY 40601.

FOR FURTHER INFORMATION CONTACT: Scott Southwick of the EPA Region IV Air Programs Branch at (404) 347-3555 extension 4207 and at the above address.

SUPPLEMENTARY INFORMATION: On November 15, 1990, the Clean Air Act Amendments of 1990 (CAA) were enacted. (Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q). Under section 107(d)(1), in conjunction with the Governor of Kentucky, EPA designated the Paducah area as nonattainment because the area violated the O₃ standard during the period from 1987 through 1989 (See 56 FR 56694 (Nov. 6, 1991) and 57 FR 56762 (Nov. 30, 1992), codified at 40 CFR 81.318).

The Paducah marginal O₃ nonattainment area (nonattainment area) more recently has ambient monitoring data that show no violations of the O₃ National Ambient Air Quality Standards (NAAQS), during the period from 1989 through 1991. In addition, there have been no violations reported for the 1992, 1993, or 1994 O₃ seasons. Therefore, in an effort to comply with the amended CAA and to ensure continued attainment of the NAAQS, on November 13, 1992, the Cabinet submitted for parallel processing an O₃ maintenance SIP for the nonattainment area and requested redesignation of the nonattainment area to attainment with

respect to the O₃ NAAQS and EPA found the request complete. On November 24, 1992, the Cabinet submitted the Marginal Ozone Nonattainment Areas Projection Inventory 1990-2004 as an amendment to the SIP. On January 15, 1993, the Cabinet submitted revisions addressing public comments on the request to redesignate the nonattainment area to attainment. On July 16, 1993, February 28, 1994, and August 29, 1994, the Cabinet submitted revisions to the redesignation request, maintenance plan, and projection inventory.

On May 7, 1993, Region IV determined that the information received from the Cabinet constituted a complete redesignation request under the general completeness criteria of 40 CFR 51, appendix V, sections 2.1 and 2.2. However, for purposes of determining what requirements are applicable for redesignation purposes, EPA believes it is necessary to identify when the Cabinet first submitted a redesignation request that meets the completeness criteria. EPA noted in a previous policy memorandum that parallel processing requests for submittals under the amended CAA, including redesignation submittals, would not be determined complete. See "State Implementation Plan (SIP) Actions Submitted in Response to Clean Air Act (Act) Deadlines," Memorandum from John Calcagni to Air Programs Division Directors, Regions I-X, dated October 28, 1992 (Memorandum). The rationale for this conclusion was that the parallel processing exception to the completeness criteria (40 CFR part 51, appendix V, section 2.3) was not intended to extend statutory due dates for mandatory submittals. (See Memorandum at 3-4). However, since requests for redesignation are not mandatory submittals under the CAA, EPA believed it appropriate to change its policy with respect to redesignation submittals to conform to the existing completeness criteria (58 FR 38108 (July 15, 1993)). Therefore, EPA believes, the parallel processing exception to the completeness criteria may be applied to redesignation request submittals, at least until such time as the EPA decides to revise that exception. The Cabinet submitted a redesignation request and a maintenance plan on November 13, 1992. When the maintenance plan became state effective on January 27, 1994, the Commonwealth of Kentucky no longer needed parallel processing for the redesignation request and maintenance plan.

The Kentucky redesignation request for the nonattainment areas meets the five requirements of section 107(d)(3)(E)

for redesignation to attainment. The following is a brief description of how the Commonwealth of Kentucky has fulfilled each of these requirements. Because the maintenance plan is a critical element of the redesignation request, EPA will discuss its evaluation of the maintenance plan under its analysis of the redesignation request.

1. The Area Must Have Attained the O₃ NAAQS

The Cabinet's request is based on an analysis of quality assured ambient air quality monitoring data which is relevant to the maintenance plan and to the redesignation request. Ambient air quality monitoring data for calendar year 1989 through calendar year 1991 show an expected exceedance rate of less than 1.0 per year of the O₃ NAAQS in the marginal nonattainment area. (See 40 CFR 50.9 and appendix H.) In addition, there were no violations reported for the 1992, 1993, and 1994 O₃ seasons. Because the nonattainment area has complete quality-assured data showing no violations of the standard over the most recent consecutive three calendar year period, the area has met the first statutory criterion of attainment of the O₃ NAAQS. The Commonwealth of Kentucky has committed to continue monitoring the nonattainment area in accordance with 40 CFR part 58.

2. The Area Has Met All Applicable Requirements Under Section 110, and Part D of the Act

On January 25, 1980, August 7, 1981, November 24, 1981, November 30, 1981, and March 30, 1983, EPA fully approved Kentucky's SIP as meeting the requirements of section 110(a)(2) and part D of the 1977 CAA (45 FR 6092, 46 FR 40188, 46 FR 57486, 46 FR 58080, and 48 FR 13168). The approved control strategy did not result in attainment of NAAQS for O₃. Additionally, the amended CAA revised section 182(a)(2)(A), 110(a)(2) and, under part D, revised section 172 and added new requirements for all nonattainment areas. Therefore, for purposes of redesignation, to meet the requirement that the SIP contain all applicable requirements under the CAA, EPA reviewed the Kentucky SIP to ensure that it contains all measures due under the amended CAA prior to or at the time the Commonwealth of Kentucky submitted its redesignation request.

A. Section 110 Requirements

Although section 110 was amended by the CAA of 1990, the Kentucky SIP for the marginal nonattainment areas meets the requirements of amended section 110(a)(2). A number of the

requirements did not change in substance and, therefore, EPA believes that the pre-amendment SIP met these requirements.

B. Part D Requirements

Before the nonattainment areas may be redesignated to attainment, they must have fulfilled the applicable requirements of part D. Under part D, an area's classification indicates the requirements to which it will be subject. Subpart 1 of part D sets forth the basic nonattainment requirements applicable to all nonattainment areas, classified as well as nonclassifiable. Subpart 2 of part D establishes additional requirements for O₃ nonattainment areas classified under table 1 of section 181(a). The Paducah nonattainment area was classified as marginal (See 56 FR 56694, codified at 40 CFR 81.318). The Commonwealth of Kentucky submitted their request for redesignation of the marginal nonattainment area prior to November 15, 1992. Therefore, in order to be redesignated to attainment, the Commonwealth of Kentucky must meet the applicable requirements of subpart 1 of part D, specifically sections 172(c) and 176, but is not required to meet the applicable requirements of subpart 2 of part D, which became due on or after November 15, 1992.

B1. Subpart 1 of Part D

Under section 172(b), the section 172(c) requirements are applicable as determined by the Administrator, but no later than three years after an area has been designated to nonattainment. EPA has not determined that these requirements were applicable to O₃ nonattainment areas on or before November 13, 1992, the date that the Commonwealth of Kentucky submitted a complete redesignation request for the marginal nonattainment area. Therefore, the Commonwealth of Kentucky was not required to meet these requirements for purposes of redesignation. The Paducah area currently has a fully approvable New Source Review (NSR) program which was last revised on June 23, 1994 (59 FR 32343). Upon redesignation of the area to attainment, the Prevention of Significant Deterioration (PSD) provisions contained in part C of title I are applicable. On January 25, 1978, September 1, 1989, November 6, 1989, November 13, 1989, November 28, 1989, February 7, 1990, and June 23, 1994, the EPA approved revisions to the Commonwealth of Kentucky's PSD program (43 FR 3360, 54 FR 36307, 54 FR 46613, 54 FR 47211, 54 FR 48887, 55 FR 4169 and 59 FR 32343).

Section 176(c) of the CAA requires states to revise their SIPs to establish

criteria and procedures to ensure that Federal actions, before they are taken, conform to the air quality planning goals in the applicable state SIP. The requirement to determine conformity applies to transportation plans, programs and projects developed, funded or approved under Title 23 U.S.C. or the Federal Transit Act ("transportation conformity"), as well as to all other Federal actions ("general conformity"). Section 176 further provides that the conformity revisions to be submitted by states must be consistent with Federal conformity regulations that the CAA required EPA to promulgate. Congress provided for the state revisions to be submitted by November 15, 1992, one year after the date for promulgation of final EPA conformity regulations which were due November 15, 1991. When that date passed without such promulgation, EPA's General Preamble for the Implementation of Title I informed states that its conformity regulations would establish a submittal date [see 57 FR 13498, 13557 (April 16, 1992)].

The EPA promulgated final transportation conformity regulations on November 24, 1993, (58 FR 62188) and general conformity regulations on November 30, 1993 (58 FR 63214). These conformity rules require that states adopt both transportation and general conformity provisions in the SIP for areas designated nonattainment or subject to a maintenance plan approved under CAA section 175A. Pursuant to § 51.396 of the transportation conformity rule and § 51.851 of the general conformity rule, the Commonwealth of Kentucky is required to submit a SIP revision containing transportation conformity criteria and procedures consistent with those established in the Federal rule by November 25, 1994. Similarly, Kentucky is required to submit a SIP revision containing general conformity criteria and procedures consistent with those established in the Federal rule by December 1, 1994. Because the deadline for these submittals has not yet come due, they are not applicable requirements under section 107(d)(3)(E)(v) and, thus, do not affect approval of this redesignation request.

On February 24, 1994, the Commonwealth of Kentucky revised their maintenance plan to commit to revise the SIP by November 25, 1994, to be consistent with the final Federal regulations on conformity. In addition, the Division for Air Quality and the Kentucky Transportation Cabinet are cooperating in adopting regulations consistent with the final conformity regulation.

B2. Subpart 2 of Part D

The CAA was amended on November 15, 1990, Pubic Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. EPA was required to classify O₃ nonattainment areas according to the severity of their problem. On November 6, 1991 (56 FR 56694), the Paducah metropolitan statistical area (MSA) was designated as marginal O₃ nonattainment. Because this area is marginal, the area must meet section 182(a) of the CAA. EPA has analyzed the SIP and determined that it is consistent with the requirements of amended section 182. Below is a summary of how the area has met the requirements of these sections.

(1) Emissions Inventory

The CAA required an inventory of all actual emissions from all sources, as described in section 172(c)(3) by November 15, 1992. On November 13, 1992, the Cabinet submitted an emission inventory on the Paducah area.

(2) Reasonably Available Control Technology (RACT)

The CAA also amended section 182(a)(2)(A), in which Congress statutorily adopted the requirement that O₃ nonattainment areas fix their deficient Reasonably Available Control Technology (RACT) rules for O₃. Areas designated nonattainment before amendment of the CAA and which retained that designation and were classified as marginal or above as of enactment are required to meet the RACT Fix-ups requirement. The

Paducah area was not designated nonattainment prior to 1990 and was classified as marginal O₃ nonattainment pursuant to the 1990 CAA. Therefore, this area is not subject to the RACT fix-up requirement. However, Kentucky chose to apply RACT on all major sources which commenced on or after the effective date of a particular RACT rule. Kentucky submitted VOC RACT SIP revisions through the Cabinet to EPA on February 12, 1992, October 20, 1992, February 17, 1993, and March 4, 1993. Action was taken December 12, 1993, to approve the SIP revision submitted on February 12, 1992. Action was taken June 23, 1994, to approve the SIP revisions submitted on October 20, 1992, February 17, 1993, and March 4, 1993.

(3) Emissions Statements

The CAA required that the SIP be revised by November 15, 1992, to require stationary sources of oxides of nitrogen (NO_x) and VOCs to provide the state with a statement showing actual emission each year. This request to redesignate was submitted prior to the November 15, 1992 emissions statement deadline. Therefore, the emissions statement program is not a requirement for the Paducah area.

(4) New Source Review (NSR)

The CAA required all classified nonattainment areas to meet several requirements regarding NSR, including provisions to ensure that increased emissions of VOCs compounds will not result from any new or major source

modifications and a general offset rule. A SIP revision incorporating these requirements was due November 15, 1992. This request to redesignate was submitted prior to the November 15, 1992, NSR deadline. Therefore, the NSR program is not a requirement for the Paducah area.

3. The Area Has a Fully Approved SIP Under Section 110(k) of the CAA

Based on the approval of provisions under the pre-amended CAA and EPA's prior approval of SIP revisions under the amended CAA, EPA has determined that Kentucky has a fully approved O₃ SIP under section 110(k) for the marginal nonattainment areas, which also meets the applicable requirements of section 110 and part D as discussed above.

4. The Air Quality Improvement Must Be Permanent and Enforceable

Several control measures have come into place since the nonattainment areas violated the O₃ NAAQS. Of these control measures, the reduction of fuel volatility from 11.4 psi to 8.6 psi, as measured by the Reid Vapor Pressure (RVP), and fleet turnover produced the most significant decreases in VOC emissions. The table below summarizes total emissions for VOCs. The difference between 1988 and 1990 are actual permanent and enforceable emission reductions which are responsible for the recent air quality improvement in the areas. The VOC emissions in the base year are not artificially low due to local economic downturn.

REDUCTIONS IN VOC EMISSIONS FROM 1988 TO 1990

MSA	VOCs (tpd)		
	1988	1990	1988-1990
Paducah	105.33	102.77	3.75

5. The Area Must Have a Fully Approved Maintenance Plan Pursuant to Section 175A of the CAA

Section 175A of the CAA sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. The plan must demonstrate continued attainment of the applicable NAAQS for at least ten years after the Administrator approves a redesignation to attainment. Eight years after the redesignation, the state must submit a revised maintenance plan which demonstrates attainment for the ten years following the initial ten-year period. To provide for the possibility of future NAAQS violations, the

maintenance plan must contain contingency measures, with a schedule for implementation, adequate to assure prompt correction of any air quality problems.

In this notice, EPA is approving the Commonwealth of Kentucky's maintenance plan for the Paducah marginal nonattainment area because EPA finds that the Commonwealth of Kentucky's submittal meets the requirements of section 175A.

A. Emissions Inventory—Base Year Inventory

On November 13, 1992, the Commonwealth of Kentucky submitted comprehensive inventories of VOC,

NO_x, and CO emissions for the Paducah marginal nonattainment area. The inventories included biogenic, area, stationary, and mobile sources using 1990 as the base year for calculations to demonstrate maintenance. The 1990 inventory is considered representative of attainment conditions because the O₃ NAAQS was not violated during 1990.

The Commonwealth of Kentucky submittal contains the detailed inventory data and summaries by county and source category. This comprehensive base year emissions inventory was submitted in the SIP Air Pollutant Inventory Management System (SAMS) format. Finally, this inventory was prepared in accordance

with EPA guidance. A summary of the base year and projected maintenance year inventories for the Paducah area is

included in this notice for VOCs and NO_x. The CO and the biogenic VOC values are shown below and are a part

of the 1990 base year emission inventory. This notice is approving the base year inventory.

CO EMISSION INVENTORY SUMMARY FOR 1990

[Tons per day]

	Point	Area	Mobile	Non-Road	Total
Paducah	13.49	1.48	21.54	6.73	43.24

BIOGENIC EMISSION INVENTORY SUMMARY FOR 1990

[Tons per day]

	Biogenic
Paducah 1990 emissions	41.15

B. Demonstration of Maintenance—Projected Inventories

Below, totals for VOC and NO_x emissions were projected from the 1990 base year out to 2004. These projected inventories were prepared in accordance with EPA guidance.

PADUCAH VOC EMISSION INVENTORY SUMMARY

[Tons per day]

	1990	1993	1996	1999	2002	2004
Point	96.47	94.03	83.80	84.47	85.13	85.58
Area	1.85	1.87	1.88	1.90	1.91	1.93
Mobile	4.45	4.26	4.36	4.04	4.01	4.01
Total	102.77	100.17	90.05	90.41	91.05	91.52

PADUCAH NO_x EMISSION INVENTORY SUMMARY

[Tons per day]

	1990	1993	1996	1999	2002	2004
Point	5.88	5.93	5.97	6.02	6.07	6.10
Area	0.11	0.11	0.11	0.11	0.11	0.11
Mobile	4.41	4.33	4.40	4.22	4.16	4.16
Total	90.54	89.54	88.88	88.45	87.99	87.78

As indicated in the following table, an emissions decrease in VOCs and NO_x in the Paducah nonattainment area are projected throughout the maintenance period. EPA believes that these emissions projections demonstrate that the Paducah nonattainment area will continue to maintain the O₃ NAAQS.

VOC AND NO_x PROJECTED EMISSIONS CHANGES

	VOCs	NO _x
Paducah	- 10.95%	- 3.05%

C. Verification of Continued Attainment

Continued attainment of the O₃ NAAQS in the marginal nonattainment areas depends, in part, on the Commonwealth of Kentucky's efforts toward tracking indicators of continued attainment during the maintenance period. The Commonwealth of

Kentucky's contingency plan is triggered by two indicators, the emissions inventory for interim years exceeding the baseline emission inventory by more than 10% or an air quality violation. As stated in the maintenance plan, the Cabinet will be developing these emissions inventories every three years beginning in 1996. These periodic inventories will help to verify continued attainment.

D. Contingency Plan

The level of VOC and NO_x emissions in the nonattainment area will largely determine its ability to stay in compliance with the O₃ NAAQS in the future. Despite the Commonwealth's best efforts to demonstrate continued compliance with the NAAQS, the ambient air pollutant concentrations may exceed or violate the NAAQS.

Therefore, the Commonwealth of Kentucky has provided contingency

measures with a schedule for implementation in the event of a future O₃ air quality problem. The plan contains a contingency to implement RACT on existing major sources in the area where the violation occurred within ninety (90) days. RACT was not required for this nonattainment area because it was designated as a marginal nonattainment area pursuant to the CAA. EPA finds that the contingency measures provided in the Commonwealth of Kentucky's submittal meet the requirements of section 175A(d) of the CAA.

E. Subsequent Maintenance Plan Revisions

In accordance with section 175A(b) of the CAA, the Commonwealth of Kentucky has agreed to submit a revised maintenance SIP eight years after the marginal nonattainment areas redesignate to attainment. Such revised

SIP will provide for maintenance for an additional ten years.

Final Action

In this final action, EPA is approving the nonattainment area's O₃ maintenance plan because it meets the requirements of section 175A. The EPA is redesignating the Paducah nonattainment area to attainment for O₃ because the Commonwealth of Kentucky has demonstrated compliance with the requirements of section 107(d)(3)(E) for redesignation. In addition EPA is approving the 1990 base year emission inventory for the Paducah nonattainment area. 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.

The O₃ SIP is designed to satisfy the requirements of part D of the CAA and to provide for attainment and maintenance of the O₃ NAAQS. This final redesignation should not be interpreted as authorizing the Commonwealth of Kentucky to delete, alter, or rescind any of the VOC or NO_x emission limitations and restrictions contained in the approved O₃ SIP. Changes to O₃ SIP VOC regulations rendering them less stringent than those contained in the EPA approved plan cannot be made unless a revised plan for attainment and maintenance is submitted to and approved by EPA. Unauthorized relaxations, deletions, and changes could result in both a finding of nonimplementation (section 173(b) of the CAA) and in a SIP deficiency call made pursuant to section 110(a)(2)(H) of the CAA.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective April 10, 1995 unless, by March 9, 1995, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not

institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective April 10, 1995.

Under section 307(b)(1) of the Act, 42 U.S.C. 7607(b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 10, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for 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) of the Act, 42 U.S.C. 7607(b)(2).)

The OMB has exempted these actions from review under Executive Order 12866.

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a 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.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Redesignation of an area to attainment under section 107(d)(3)(E) of the CAA does not impose any new requirements on small entities. Redesignation is an action that affects the status of a geographical area and does not impose any regulatory requirements on sources. The Administrator certifies that the approval of the redesignation request will not affect a substantial number of small entities.

List of Subjects

40 CFR Part 52

Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone.

40 CFR Part 81

Air pollution control, Hydrocarbons, Carbon monoxide, Nitrogen oxides, National parks, Wilderness areas.

Dated: November 28, 1994.

Patrick M. Tobin,

Acting Regional Administrator.

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. 7401-7671q.

Subpart S—Kentucky

2. Section 52.920 is amended by adding paragraph (c)(73) to read as follows:

§ 52.920 Identification of plan.

* * * * *

(c) * * *

(73) The maintenance plan for the Paducah area which include Livingston and Marshall Counties submitted by the Commonwealth of Kentucky Natural Resources and Environmental Protection Cabinet on November 13, 1992, November 24, 1992, March 10, 1993, July 16, 1993, March 3, 1994, and August 29, 1994, as part of the Kentucky SIP. The 1990 Baseline Emission Inventory for the Paducah area which include Livingston and Marshall Counties.

(i) Incorporation by reference.

(A) Commonwealth of Kentucky Attainment Demonstration and Ten Year Maintenance Plan for all areas designated Marginal Nonattainment for Ozone. The effective date is January 15, 1993.

(B) Table 6-13 Biogenic Emissions, Livingston County, Kentucky. The effective date is January 15, 1993.

(C) Table 6-14 Biogenic Emissions, Marshall County, Kentucky. The effective date is January 15, 1993.

(ii) Other material.

(A) January 15, 1993, letter from Phillip J. Shepherd, Secretary, Natural Resources and Environmental Protection Cabinet to Patrick Tobin, Acting Regional Administrator, U.S. EPA Region IV.

(B) February 28, 1994, letter from John E. Hornback, Director, Division for Air Quality to Mr. Doug Neeley, Chief, Air Programs Branch.

(C) October 4, 1994, letter from Phillip J. Shepherd, Secretary, Natural Resources and Environmental Protection Cabinet to John H. Hankinson, Regional Administrator, U.S. EPA Region IV.

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

2. In § 81.318, the ozone table is amended by removing the Paducah area and its entries in the first alphabetical list and the entry for Livingston County in the second alphabetical list and by

adding in alphabetical order to the second listing of counties the following entries to read as follows:

§ 81.318 Kentucky.

* * * * *

KENTUCKY—OZONE

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
Livingston County	April 10, 1995	Unclassifiable/Attainment.		
Marshall County	April 10, 1995	Unclassifiable/Attainment.		

¹ This date is November 15, 1990, unless otherwise noted.

* * * * *
 [FR Doc. 95–2775 Filed 2–6–95; 8:45 am]
 BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101–40

[FPMR Temp. Reg. G–54, Rev. 1, Supp. 1]

RIN 3090–AF20

Use of Contractor for Express Small Package Transportation

AGENCY: Federal Supply Service, GSA.
ACTION: Temporary regulation.

SUMMARY: FPMR Temp. Reg. G–54, Rev. 1 mandates the use of the GSA’s contractor by Federal civilian executive agencies when next day express small package transportation is required. The regulation contains a description of the services provided, an attachment listing the rates and accessorial charges, and information concerning the provisions of the contract. This supplement extends the expiration date of FPMR Temp. Reg. G–54, Rev. 1 from November 15, 1994 to November 15, 1995.

DATES: *Effective date:* February 7, 1995.

FOR FURTHER INFORMATION CONTACT: Brenda Pollock, Transportation Management Division (FBX), Washington, DC 20406, 703–305–5671.

SUPPLEMENTARY INFORMATION: The current contract, awarded in 1990, is for mandatory use by civilian agencies. However, GSA will resolicit for express small package transportation in 1995, and agencies will elect whether to be a mandatory user or not, before solicitation issuance. If they choose to be non-mandatory, they will be able to

obtain contract service and prices at a later date if the contractor agrees to do so.

GSA has determined that this rule is not a significant rule for the purposes of Executive Order 12866.

Regulatory Flexibility Act

This rule is not required to be published in the **Federal Register** for notice and comment. Therefore, the Regulatory Flexibility Act does not apply.

List of Subjects in 41 CFR Part 101–40

Freight, Government property management, Moving of household goods, Office relocations, Transportation.

PART 101–40—[AMENDED]

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

In 41 CFR Chapter 101, the following supplement to FPMR Temp. Reg. G–54, Rev. 1 is added to the appendix at the end of Subchapter G to read as follows:

Appendix to Subchapter G—Temporary Regulations

* * * * *
 General Services Administration,
 Washington, DC 20405

Federal Property Management Regulations, Temporary Regulation G–54, Revision 1, Supplement 1

To: Heads of Federal agencies
 Subject: Use of contractor for express small package transportation
 Date: December 28, 1994.

1. *Purpose.* This supplement extends the expiration date of FPMR Temporary Regulation G–54, Revision 1.

2. *Effective date.* This supplement is effective February 7, 1995.

3. *Expiration date.* This supplement expires November 15, 1995, unless sooner canceled, revised, or extended.

4. *Background.*

a. Under subsection 201(a) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 481(a)), the General Services Administration (GSA) is responsible for prescribing policies and procedures that are advantageous to the Government in terms of economy, efficiency, or service, regarding program activities in the area of transportation and traffic management. GSA has entered into a contract with Federal Express Corporation (FedEx) for the transportation of express small packages from, to, and between specified locations in the United States (including Alaska and Hawaii) and Puerto Rico, where the contractor or its agent presently provides or will provide next day service. In consideration of the contract rates and to the extent provided in the contract, the Government has agreed to place transportation requirements for express small package service with FedEx. Agencies covered by the scope of the contract must use this contract at the rates specified for their express small package delivery requirements.

b. GSA’s express small package contract with FedEx provides that, where possible, express small package shipments within the contiguous United States, Alaska, Hawaii, and Puerto Rico, must be delivered by noon the next business day. The contract also requires FedEx to satisfy the Private Express Statutes and is consistent with these statutes. These statutes require shipments consisting of “letters” as defined in 39 CFR part 310 to be delivered by noon the next business day; delivery after noon to these points where noon delivery is possible would not satisfy the contract and would violate the Private Express Statutes. A determination must be made that the letter is urgent in accordance with the Private Express Statutes.

5. *Explanation of change.* The expiration date in paragraph 3 of FPMR Temporary