

Pocatello, ID, Pocatello Regional, RNAV (GPS) RWY 3, Orig

Topeka, KS, Philip Billard Muni, RNAV (GPS) RWY 18, Orig

Topeka, KS, Philip Billard Muni, RNAV (GPS) RWY 31, Orig

Topeka, KS, Philip Billard Muni, RNAV (GPS) RWY 4, Orig

Topeka, KS, Philip Billard Muni, RNAV (GPS) RWY 36, Orig

Topeka, KS, Philip Billard Muni, RNAV (GPS) RWY 13, Orig

Topeka, KS, Philip Billard Muni, RNAV (GPS) RWY 22, Orig

Topeka, KS, Philip Billard Muni, VOR RWY 22, Amdt 21

Topeka, KS, Philip Billard Muni, VOR/DME RNAV OR GPS RWY 18, Amdt 7 CANCELLED

Topeka, KS, Philip Billard Muni, GPS RWY 31, Orig, CANCELLED

Topeka, KS, Philip Billard Muni, GPS RWY 13, Orig, CANCELLED

Lexington, KY, Blue Grass, NDB RWY 22, Orig

Lexington, KY, Blue Grass, ILS RWY 22, Amdt 19

Hattiesburg, MS, Hattiesburg/Bobby L. Chain Muni, VOR RWY 13, Amdt 11

Altoona, PA, Altoona-Blair County, ILS OR LOC RWY 21, Amdt 6

Price, UT, Carbon County, VOR/DME RWY 36, Orig

Price, UT, Carbon County, VOR RWY 36, Amdt 2

Price, UT, Carbon County, RNAV (GPS) RWY 36, Orig

Price, UT, Carbon County, GPS RWY 36, Orig-A, CANCELLED

Tooele, UT, Bolinder Field-Tooele Valley, RNAV (GPS) RWY 17, Orig

Tooele, UT, Bolinder Field-Tooele Valley, GPS RWY 16, Orig, CANCELLED

Richmond, VA, Richmond Intl, VOR RWY 2, Amdt 5B

Richmond, VA, Richmond Intl, VOR RWY 16, Amdt 27

Richmond, VA, Richmond Intl, VOR RWY 20, Amdt 1

Richmond, VA, Richmond Intl, VOR RWY 25, Amdt 16

Richmond, VA, Richmond Intl, VOR RWY 34, Amdt 23

Richmond, VA, Richmond Intl, ILS RWY 2, Amdt 1

Richmond, VA, Richmond Intl, ILS RWY 16, Amdt 8

Richmond, VA, Richmond Intl, RNAV (GPS) RWY 34, Orig

Richmond, VA, Richmond Intl, RNAV (GPS) RWY 16, Orig

Richmond, VA, Richmond Intl, RNAV (GPS) RWY 20, Orig

Richmond, VA, Richmond Intl, RNAV (GPS) RWY 7, Orig

Richmond, VA, Richmond Intl, RNAV (GPS) RWY 2, Orig

Richmond, VA, Richmond Intl, GPS RWY 34, Orig, CANCELLED

Richmond, VA, Richmond Intl, VOR/DME RNAV RWY 20, Amdt 5, CANCELLED

Richmond, VA, Richmond Intl, RNAV (GPS) RWY 25, Orig

Mosinee, WI, Central Wisconsin, VOR/DME RWY 35, Amdt 8

The FAA published an Amendment in Docket No. 30392, Amdt No. 3079 to Part 97

of the Federal Aviation Regulations (Vol 68, FR No. 204, Page 60288; dated October 22, 2003) under § 97.33 effective 30 October 2003, which is hereby rescinded:

De Kalb, IL, De Kalb Taylor Muni, VOR/DME RWY 27, Orig

De Kalb, IL, De Kalb Taylor Muni, VOR/DME OR GPS RWY 27, Amdt 5, CANCELLED

The FAA published an Amendment in Docket No. 30392, Amdt No. 3079 to Part 97 of the Federal Aviation Regulations (Vol 68, FR No. 204, Page 60288; dated October 22, 2003) under § 97.33 effective 30 October 2003, which is hereby rescinded:

Greencastle, IN, Putnam County, NDB RWY 18, Amdt 1

[FR Doc. 03-27507 Filed 10-31-03; 8:45 am]

BILLING CODE 4910-13-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[KY145-200339(a); FRL-7582-6]

### Approval and Promulgation of Implementation Plans for Kentucky: Permit Provisions for Jefferson County, KY

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving a revision to the Jefferson County, Kentucky portion of the Kentucky State Implementation Plan (SIP) which amends four regulations of the Metro Louisville Air Pollution Control District (MLAPCD). The four MLAPCD regulations being revised are: Regulation 1.08, "Administrative Procedures," Regulation 2.05, "Prevention of Significant Deterioration of Air Quality," Regulation 2.09, "Causes for Permit Modification, Revocation, or Suspension," and Regulation 2.17, "Federally Enforceable District Origin Operating Permits."

**DATES:** This direct final rule is effective January 2, 2004 without further notice, unless EPA receives adverse comment by December 3, 2003. 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:** Comments may be submitted by mail to: Michele Notarianni, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street, SW, Atlanta, Georgia 30303-8960. Comments may also be submitted electronically, or through hand

delivery/courier. Please follow the detailed instructions described in sections I. B.1. through 3. of the **SUPPLEMENTARY INFORMATION** section.

**FOR FURTHER INFORMATION CONTACT:** Michele Notarianni, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. Phone: (404) 562-9031. E-mail: [notarianni.michele@epa.gov](mailto:notarianni.michele@epa.gov).

### SUPPLEMENTARY INFORMATION:

#### I. General Information

##### A. How Can I Get Copies of This Document and Other Related Information?

1. The Regional Office has established an official public rulemaking file available for inspection at the Regional Office. EPA has established an official public rulemaking file for this action under KY145-200339. The official public file consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public rulemaking file does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public rulemaking file is the collection of materials that is available for public viewing at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 9 to 3:30, excluding federal holidays.

2. Copies of the State submittal and EPA's technical support document are also available for public inspection during normal business hours, by appointment at the State and Local Air Agency. Commonwealth of Kentucky, Division for Air Quality, 803 Schenkel Lane, Frankfort, Kentucky 40601-1403. (502/573-3382). Air Pollution Control District of Jefferson County, 850 Barrett Avenue—Suite 200, Louisville, Kentucky 40204. (502/574-6000)

3. Electronic Access. You may access this **Federal Register** document electronically through the Regulation.gov Web site located at <http://www.regulations.gov> where you can find, review, and submit comments on

Federal rules that have been published in the **Federal Register**, the Government's legal newspaper, and are open for comment.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at the EPA Regional Office, as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in the official public rulemaking file. The entire printed comment, including the copyrighted material, will be available at the Regional Office for public inspection.

#### *B. How and to Whom Do I Submit Comments?*

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate rulemaking identification number by including the text "Public comment on proposed rulemaking KY145-200339" in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

1. *Electronically.* If you submit an electronic comment as prescribed below, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *E-mail.* Comments may be sent by electronic mail (e-mail) to: [notarianni.michele@epa.gov](mailto:notarianni.michele@epa.gov). Please include the text "Public comment on proposed rulemaking KY145-200339" in the subject line. EPA's e-mail system is not an "anonymous access" system. If you send an e-mail comment directly without going through [Regulations.gov](http://www.regulations.gov), EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket.

ii. *Regulation.gov.* Your use of [Regulation.gov](http://www.regulations.gov) is an alternative method of submitting electronic comments to EPA. Go directly to [Regulations.gov](http://www.regulations.gov) at <http://www.regulations.gov>, then select Environmental Protection Agency at the top of the page and use the go button. The list of current EPA actions available for comment will be listed. Please follow the online instructions for submitting comments. The system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

iii. *Disk or CD ROM.* You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Section 2, directly below. These electronic submissions will be accepted in WordPerfect, Word or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By Mail.* Send your comments to: Michele Notarianni, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street, SW, Atlanta, Georgia 30303-8960. Please include the text "Public comment on proposed rulemaking KY145-200339" in the subject line on the first page of your comment.

3. *By Hand Delivery or Courier.* Deliver your comments to: Michele Notarianni, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division 12th floor, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street, SW, Atlanta, Georgia 30303-8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 9:00 to 3:30, excluding federal holidays.

#### *C. How Should I Submit CBI to the Agency?*

Do not submit information that you consider to be CBI electronically to EPA.

You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the official public regional rulemaking file. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public file and available for public inspection without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

#### *D. What Should I Consider as I Prepare My Comments for EPA?*

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at your estimate.
5. Provide specific examples to illustrate your concerns.
6. Offer alternatives.
7. Make sure to submit your comments by the comment period deadline identified.
8. To ensure proper receipt by EPA, identify the appropriate regional file/rulemaking identification number in the subject line on the first page of your response. It would also be helpful if you provided the name, date, and **Federal Register** citation related to your comments.

## **II. Today's Action**

EPA is approving a revision to the Jefferson County portion of the Kentucky SIP, submitted by the Commonwealth of Kentucky on March 14, 2003, which amends four MLAPCD regulations affecting Jefferson County, Kentucky. Regulation 1.08, "Administrative Procedures," is

amended to include all of the current actions for which a public hearing could be held and reserves and Section 5, "Noncompliance Penalties," because it contains outdated language. Other amendments to this regulation include general wording, structure, and format changes to be consistent with the District's current regulations.

Subsection 1.1.7 of Regulation 1.08 was not submitted for SIP approval because it references Regulation 2.12, which is not part of the approved Kentucky SIP.

Regulation 2.05, "Prevention of Significant Deterioration of Air Quality," is updated to incorporate by reference the current EPA Prevention of Significant Deterioration regulation (40 CFR 52.21) with specific changes identified. Provisions of 40 CFR 52.21 that do not apply to Jefferson County, such as tribal issues and Class I areas, are not incorporated by reference into Regulation 2.05.

Regulation 2.09, "Causes for Permit Modification, Revocation, or Suspension," is amended to clearly identify that this regulation also deals with issues of permit modification and revocation as well as suspension, specifying the circumstances under which they can occur and provides due process for the revocation of all permits.

Regulation 2.17, "Federally Enforceable District Origin Operating Permits," specifies that permits may be revoked by the Board and not the District. Also, the permit revocation process is removed from Regulation 2.17 and added to Regulation 2.09.

### III. Final Action

EPA is approving the aforementioned changes to the SIP because it is consistent with the requirements of the Clean Air Act and EPA policy. The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective January 2, 2004 without further notice unless the Agency receives adverse comments by December 3, 2003.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Parties interested in commenting should

do so at this time. If no such comments are received, the public is advised that this rule will be effective on January 2, 2004 and no further action will be taken on the proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

### IV. 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 (Public Law 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. section 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. section 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 January 2, 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,

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

Dated: October 21, 2003.

A. Stanley Meiburg,

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 52.920, the Jefferson County Regulations table in paragraph (c) is amended by revising the entries for

“1.08,” “2.05,” “2.09,” and “2.17” to read as follows:

**§ 52.920 Identification of plan.**

\* \* \* \* \*  
(c) \* \* \*

**EPA-APPROVED JEFFERSON COUNTY REGULATIONS FOR KENTUCKY**

Reg	Title/subject	EPA approval date	Federal Register notice	District effective date
<b>Reg 1 General Provisions</b>				
1.08	Administrative Procedures	11/3/03	[Insert citation of publication].	6/19/02
<b>Reg 2 Permit Requirements</b>				
2.05	Prevention of Significant Deterioration of Air Quality	11/3/03	[Insert citation of publication].	6/19/02
2.09	Causes for Permit Modification, Revocation, or Suspension	11/3/03	[Insert citation of publication].	6/19/02
2.17	Federally Enforceable District Origin Operating Permits	11/3/03	[Insert citation of publication].	6/19/02

\* \* \* \* \*  
[FR Doc. 03-27551 Filed 10-31-03; 8:45 am]  
BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 52 and 81**

[AZ 115-0058a; FRL-7573-9]

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

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving the maintenance plan for the Ajo area in Pima County, Arizona and granting the request submitted by the State to redesignate this area from nonattainment to attainment for the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide (SO<sub>2</sub>).

Elsewhere in this **Federal Register**, we are proposing approval and soliciting written comment on this action; if adverse written comments are received, we will withdraw the direct final rule and address the comments received in a new final rule; otherwise no further rulemaking will occur on this approval action.

**DATES:** This rule is effective January 2, 2004, without further notice, unless we receive adverse comments by December 3, 2003. If EPA receives adverse comments, we will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that this rule will not take effect.

**ADDRESSES:** Comments should be mailed or emailed to Wienke Tax, Office of Air Planning (AIR-2), U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105-3901, [tax.wienke@epa.gov](mailto:tax.wienke@epa.gov). Comments may also be submitted through the **Federal Register** Web site at <http://www.regulations.gov>. We prefer electronic comments.

[www.regulations.gov](http://www.regulations.gov). We prefer electronic comments.

You can inspect copies of EPA’s **Federal Register** document and Technical Support Document (TSD) at our Region IX office during normal business hours (see address above). Due to increased security, we suggest that you call at least 24 hours prior to visiting the Regional Office so that we can make arrangements to have someone meet you. The **Federal Register** notice and TSD are also available as electronic files on EPA’s Region 9 Web Page at <http://www.epa.gov/region09/air>.

You may inspect and copy the rulemaking docket for this notice at the following location during normal business hours.

Environmental Protection Agency, Region 9, Air Division, Air Planning Office (AIR-2), 75 Hawthorne Street, San Francisco, CA 94105-3901.

Copies of the State Implementation Plan (SIP) materials are also available