

published such a notice in broad, generic terms.

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Dated: September 13, 1995.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95-23238 Filed 9-19-95; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[KY89-1-7168; FRL-5297-6]

Designation of Areas for Air Quality Planning Purposes; Commonwealth of Kentucky: Correction to the Boundary of the Kentucky Portion of the Louisville Moderate Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is correcting the boundaries of the Kentucky portion of the Louisville moderate ozone (O₃) nonattainment area, pursuant to Section 110(k)(6) of the Clean Air Act (the Act). The boundary of the Louisville moderate O₃ nonattainment area (nonattainment area) is being revised to include additional sources that contribute to violation of the O₃ National Ambient Air Quality Standard (NAAQS).

EFFECTIVE DATE: This final rule will be effective October 5, 1995.

ADDRESSES: 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.

Environmental Protection Agency,
Region 4 Air Programs Branch, 345
Courtland Street, NE, Atlanta, Georgia
30365.

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

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

FOR FURTHER INFORMATION CONTACT:
Scott Southwick, Regulatory Planning

and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30365. The telephone number is 404/347-3555, x4207.

SUPPLEMENTARY INFORMATION: On November 6, 1991 (56 FR 56694), EPA designated portions of Oldham and Bullitt Counties as moderate O₃ nonattainment. Sections 107(d)(4)(A)(i) and (ii) of the 1990 Clean Air Act Amendments (CAAA) set out the general process by which areas were to be designated for O₃ attainment/nonattainment immediately after enactment of the CAAA. Under the CAAA, preenactment O₃ and carbon monoxide (CO) nonattainment areas were classified on the date of enactment according to the severity of their problem. Within 120 days of enactment of the CAAA, the Governor of each state was required to submit a list of areas within the state, designating each area as attainment, nonattainment, or unclassifiable (120-day letter). Within 60 days of submitting the state lists, EPA was required to notify states of any potential modifications to the state's recommendations and encourage states to comment within 20 days to EPA's proposal. EPA was required to promulgate the lists, including boundary modifications, within 240 days of enactment.

On March 14, 1991, the Commonwealth of Kentucky (the Cabinet) submitted a list of ozone nonattainment, attainment and unclassifiable areas and boundaries. The Cabinet proposed that Jefferson County be the only Kentucky county in the Louisville nonattainment area. EPA gave 60 day notification to the Cabinet on May 13, 1991, that it intended to modify the proposed designation list. Pursuant to section 107(d)(1)(i) of the CAAA, EPA indicated that it intended to include Bullitt and Oldham Counties in the Louisville nonattainment area due to monitored violations of the NAAQS for O₃ in these counties.

On June 3, 1991, the cabinet formally disagreed with EPA's decision to include Bullitt and Oldham Counties in the Louisville nonattainment area. EPA and the Cabinet subsequently agreed to include the portions of Bullitt and Oldham Counties that contained the monitors that recorded the O₃ NAAQS violations and the sources whose emissions contributed to the O₃ NAAQS violations. Partial boundaries were developed and EPA published the nonattainment designation for the Louisville area on November 6, 1991

(FR 56 56694). Natural boundaries, roads, powerlines, etc., were used to detail the nonattainment area. When these boundaries were developed, sources on one side of the street or intersection were included in the nonattainment area while sources on the other side inadvertently were not. As a result, not all sources contributing to the violation of the O₃ NAAQS in Louisville were included in the nonattainment area, and inequitable economic impacts have been placed upon small competing businesses. This has affected the well being of some small businesses and it has undermined the effectiveness of the plan to attain the standard in the Louisville nonattainment area.

Final Action

In the Federal Register of November 6, 1991 (56 FR 56694), EPA issued a final rule promulgating the designations, boundaries, and classifications of O₃ nonattainment areas (and for nonattainment areas for other pollutants not addressed in this action). Pursuant to section 110(k)(6) of the CAAA, EPA is correcting the boundary of the Kentucky portion of the Louisville moderate O₃ nonattainment area to extend the nonattainment area 750 ft. outward from the center of a road or intersection.

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 November 20, 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 this action from review under Executive Order 12866.

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.

This correction under Section 110(k)(6) of the Act simply imposes previously existing requirements on a few small entities which were inadvertently left out of the designated nonattainment area. Therefore, I certify that this action does not have a significant impact on a substantial number of small entities.

Unfunded Mandates

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector, or to State,

local, or tribal governments in the aggregate.

EPA has determined that this action does include a mandate. However, the estimated cost is less than \$100 million to State, local, or tribal governments in the aggregate or to the private sector.

In accordance with CAAA sections 107(d)(2)(B) and 110(k)(6), this action is a final rule and is not subject to the notice and comment provisions of sections 553 through 557 of Title 5.

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, Ozone, Intergovernmental relations.

Dated: September 12, 1995.
Carol M. Browner,
Administrator.

Part 81 of chapter I, title 40, *Code of Federal Regulations*, is amended as follows:

PART 81—[AMENDED]

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

Authority: 42 U.S.C. 7401-7671q.

2. In section 81.318, the ozone table is amended by revising the entries for "Bullitt County (part)" and "Oldham County (part)" under the "Louisville Area" to read as follows:

§ 81.318 Kentucky.

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KENTUCKY-OZONE

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type*
* * * * * Bullitt County (part): The area boundary is as follows: Beginning at the intersection of Ky 1020 and the Jefferson-Bullitt County Line proceeding to the east along the county line to the intersection of county road 567 and the Jefferson-Bullitt County Line; proceeding south on county road 567 to the junction with Ky 1116 (also known as Zoneton Road); proceeding to the south on Ky 1116 to the junction with Hebron Lane; proceeding to the south on Hebron Lane to Cedar Creek; proceeding south on Cedar Creek to the confluence of Floyds Fork turning southeast along a creek that meets Ky 44 at Stallings Cemetery; proceeding west along Ky 44 to the eastern most point in the Shepherdsville city limits; proceeding south along the Shepherdsville city limits to the Salt River and west to a point across the river from Mooney Lane; proceeding south along Mooney Lane to the junction of Ky 480; proceeding west on Ky 480 to the junction with Ky 2237; proceeding south on Ky 2237 to the junction with Ky 61 and proceeding north on Ky 61 to the junction with Ky 1494; proceeding south on Ky 1494 to the junction with the perimeter of the Fort Knox Military Reservation; proceeding north along the military reservation perimeter to Castleman Branch Road; proceeding north on Castleman Branch Road to Ky 44; proceeding a very short distance west on Ky 44 to a junction with Ky 2723; proceeding north on Ky 2723 to the junction of Chillicoop Road; proceeding northeast on Chillicoop Road to the junction of KY 2673; proceeding north on KY 2673 to the junction of KY 1020; proceeding north on KY 1020 to the beginning; unless a road or intersection of two or more roads defines the non-attainment boundary, the area shall extend outward 750 feet from the center of the road or intersection.	Non-attainment	Moderate.

KENTUCKY-OZONE—Continued

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type*
Jefferson County	Non-attainment	Moderate
Oldham County (part): The area boundary is as follows: Beginning at the intersection of the Oldham-Jefferson County Line with the southbound lane of Interstate 71; proceeding to the northeast along the southbound lane of Interstate 71 to the intersection of Ky 329 and the southbound lane of Interstate 71; proceeding to the northwest on Ky 329 to the intersection of Zaring Road and Ky 329; proceeding to the east-northeast on Zaring Road to the junction of Cedar Point Road and Zaring Road; proceeding to the north-northeast on Cedar Point Road to the junction of Ky 393 and Cedar Point Road; proceeding to the south-southeast on Ky 393 to the junction of (the access road on the north side of Reformatory Lake and the Reformatory); proceeding to the east-northeast on the access road to the junction with Dawkins Lane and the access road; proceeding to follow an electric power line east-northeast across from the junction of county road 746 and Dawkins Lane to the east-northeast across Ky 53 on to the La Grange Water Filtration Plant; proceeding on to the east-southeast along the power line then south across Fort Pickens Road to a power substation on Ky 146; proceeding along the power line south across Ky 146 and the Seaboard System Railroad track to adjoin the incorporated city limits of La Grange; then proceeding east then south along the La Grange city limits to a point abutting the north side of Ky 712; proceeding east-southeast on Ky 712 to the junction of Massie School Road and Ky 712; proceeding to the south-southwest on Massie School Road to the intersection of Massie School Road and Zale Smith Road; proceeding northeast on Zale Smith Road to the junction of KY 53 and Zale Smith Road; proceeding on Ky 53 to the north-northwest to the junction of New Moody Lane and Ky 53; proceeding on New Moody Lane to the south-southwest until meeting the city limits of La Grange; then briefly proceeding north following the La Grange city limits to the intersection of the northbound lane of Interstate 71 and the La Grange city limits; proceeding southwest on the north-bound lane of Interstate 71 until intersecting with the North Fork of Currys Fork; proceeding south-southwest beyond the confluence of Currys Fork to the south-southwest beyond the confluence of Floyds Fork continuing on to the Oldham-Jefferson County Line; proceeding northwest along the Oldham-Jefferson County Line to the beginning; unless a road or intersection of two or more roads defines the nonattainment boundary, the area shall extend outward 750 feet from the center of the road or intersection.	Non-attainment	Moderate.
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(1) This date is November 15, 1990, unless otherwise noted.

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[FR Doc. 95-23320 Filed 9-19-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 180

[PP 0E3858/R2171; FRL-4977-7]

RIN 2070-AB78

Cinnamaldehyde; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a pesticide tolerance for residues of the fungicidal pest control agent Cinnamaldehyde in or on all raw agricultural commodities. The Interregional Research Project No. 4 (IR-4) requested this tolerance exemption

on behalf of Monterey Laboratories and pursuant to the Federal Food, Drug and Cosmetic Act (FFDCA). This regulation eliminates the need to establish a maximum permissible level for residues of cinnamaldehyde.

DATES: This regulation becomes effective September 20, 1995.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 0E3858/R2171], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division

(7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket number [0E3858/R2171]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository