

(2) The Captain of the Port San Juan can be reached on VHF Marine Band Radio, Channel 16 (156.8 Mhz) or by calling (787) 289-2040, 24 hours a day, 7 days a week. The HOVENSA Facility Port Captain can be reached on VHF Marine Band Radio channel 11 (156.6 Mhz) or by calling (340) 692-3488, 24 hours a day, 7 days a week.

(c) *Effective period.* This section is effective from 6 p.m. on July 1, 2003 until 11:59 p.m. on December 15, 2003.

Dated: June 30, 2003.

**William J. Uberti,**

*Captain, U.S. Coast Guard, Captain of the Port San Juan.*

[FR Doc. 03-17462 Filed 7-9-03; 8:45 am]

BILLING CODE 4910-15-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[KY 139-200307(d); FRL-7526-3]

#### Approval and Promulgation of Implementation Plans for Kentucky: Source-Specific Revision for Lawson Mardon Packaging; Final Rule

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

**ACTION:** Final rule.

**SUMMARY:** The EPA is finalizing approval of a source-specific revision to the State Implementation Plan (SIP) of the Commonwealth of Kentucky. This revision allows Lawson Mardon Packaging, USA, Inc. to have an alternative compliance averaging period of 30 days instead of the 24-hour averaging period previously specified in the approved SIP. This final rule addresses comments submitted in response to EPA's direct final rulemaking previously published for this action.

**EFFECTIVE DATE:** This rule will be effective August 11, 2003.

**ADDRESSES:** Copies of the Commonwealth's submittal are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency,  
Region 4, Air Planning Branch, 61  
Forsyth Street, SW., Atlanta, Georgia  
30303-8960. (Michele Notarianni,  
404/562-9031,  
[notarianni.michele@epa.gov](mailto:notarianni.michele@epa.gov))  
Commonwealth of Kentucky, Division  
for Air Quality, 803 Schenkel Lane,  
Frankfort, Kentucky 40601-1403.  
(502/573-3382)

**FOR FURTHER INFORMATION CONTACT:**  
Michele Notarianni at address listed

above or 404/562-9031 (phone) or  
[notarianni.michele@epa.gov](mailto:notarianni.michele@epa.gov) (e-mail).

#### SUPPLEMENTARY INFORMATION:

- I. Today's Action
- II. Background
- III. Comment and Response
- IV. Final Action
- V. Statutory and Executive Order Reviews

#### I. Today's Action

In this final rulemaking, EPA is responding to comments received in response to a direct final rule and simultaneous proposed rule to approve a source-specific revision to the Kentucky SIP allowing Lawson Mardon Packaging, USA, Inc. (LMP) located in Shelby County, Kentucky, to have an alternative compliance averaging period for emissions of volatile organic compounds (VOCs). The proposal would allow an averaging period of 30 days instead of the 24-hour averaging period previously specified in the approved SIP.

#### II. Background

On December 18, 2002, EPA simultaneously published a proposed rule (67 FR 77463) and a direct final rule (67 FR 77430) to approve a source-specific revision to the Kentucky SIP which allows LMP to have an alternative compliance averaging period of 30 days for VOC emissions instead of the 24-hour averaging period specified by SIP-approved Kentucky air quality regulations 59:210 and 59:212. EPA received adverse comment during the 30-day comment period and therefore withdrew the direct final rule on February 10, 2003 (*see* 68 FR 6629). This final rule addresses the comment on the proposed rule.

#### III. Comment and Response

EPA received one adverse comment submitted by the Coalition for Health Concern in Benton, Kentucky. A summary of the adverse comment and EPA's response is provided below.

*Comment:* The Coalition for Health Concern opposes the change in the VOC compliance averaging period for LMP due to concern over the health effects of dioxins and furans. The Coalition stated, "No amount of additional exposure is safe to humans or animals."

*Response:* The Clean Air Act (CAA) establishes several, separate programs to address different types of air pollution. The SIP program addresses emissions that impact an area's ability to attain or maintain national ambient air quality standards (NAAQS), such as the ozone standard. Under the CAA, EPA promulgates the NAAQS and states are then provided the discretion to develop plans to attain and maintain the

NAAQS. If a state plan meets these criteria of the Act, EPA must approve the plan and cannot mandate the choices that the state makes to meet these goals. Separate provisions include other programs, such as the program to address the emission of hazardous air pollutants.

This final action approves a revision to the compliance averaging period for emissions of VOCs, which are regulated under the SIP for the purpose of attaining and maintaining the 1-hour ozone NAAQS. EPA has reviewed this SIP revision and determined that it will not interfere with the area's ability to attain and maintain the NAAQS. (*See* direct final rule: 67 FR 77430, December 18, 2002.)

Dioxins and furans are hazardous air pollutants (HAPs). HAPs are regulated under section 112 of the CAA and regulations that EPA has promulgated pursuant to section 112 of the Act. These regulations (and LMP's compliance with the regulations) are not relevant for purposes of this rulemaking, which only concerns compliance with the NAAQS. EPA has established a control regulation—Maximum Achievable Control Technology (MACT) standard—for the printing and publishing industry that applies to any facility that is a major source of HAPs. 40 CFR part 63, subpart KK. LMP is subject to the MACT for the printing and publishing industry because it is a major source of HAPs. LMP's title V permit reflects the applicable requirements that apply pursuant to subpart KK.

#### IV. Final Action

The EPA is finalizing approval of a source-specific revision to the Kentucky SIP which allows LMP to have an alternative compliance averaging period for VOC emissions of 30 days instead of the 24-hour averaging period specified in the approved SIP. EPA is approving the aforementioned changes to the SIP because they are consistent with Agency policy and guidance.

#### V. 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