

12.0 Definitions

As used in these implementing procedures, terms have the meanings provided in NEPA § 111, 42 U.S.C. 4336e, and 39 CFR part 775. In addition:

12.1 NEPA Document

NEPA document means a categorical exclusion, environmental assessment, finding of no significant impact, environmental impact statement, record of decision and published supporting documentation.

12.2 Mitigation

Mitigation means measures that avoid, minimize, or compensate for effects caused by a proposed action or alternatives as described in an NEPA document or record of decision and that have a nexus to those effects. While NEPA requires consideration of mitigation, it does not mandate the form or adoption of any mitigation. Mitigation includes:

1. Avoiding the impact altogether by not taking a certain action or parts of an action.
2. Minimizing effects by limiting the degree or magnitude of the action and its implementation.
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
5. Compensating for the impact by replacing or providing substitute resources or environments.

12.3 NEPA Process

NEPA process means all measures necessary for compliance with the requirements of section 2 and title I of NEPA § 102(2), 42 U.S.C. 4332(2).

12.4 Notice of Intent

Notice of intent means a public notice that an agency will prepare and consider an NEPA document.

12.5 Participating Agency

Participating agency means a Federal, State, Tribal, or local agency participating in an environmental review or authorization of an action.

12.6 Publish and Publication

Publish and publication mean methods found by the agency to efficiently and effectively make NEPA documents and information available for review by interested persons, including electronic publication.

12.7 Reasonable Alternatives

Reasonable alternatives means a reasonable range of alternatives that are technically and economically feasible, meet the purpose and need for the proposed action, and, where applicable, meet the goals of the applicant.

12.8 Responsible Official

Responsible official means the person, or designated representative, who proposes an action and is responsible for compliance with NEPA. For larger projects, that person may not have the financial authority to approve such action. The responsible official signs the

NEPA documents (FONSI, ROD) and the REC.

12.9 Scope

Scope consists of the range of actions, alternatives, and effects to be considered in an NEPA document. The scope of an individual statement may depend on its relationships to other statements.

12.10 Tiering

The coverage of general matters in broader environmental impact statements or environmental assessments (such as national program or policy statements) with subsequent narrower statements or environmental analyses (such as regional or basin-wide program statements or ultimately site specific statements) incorporating by reference the general discussions and concentrating solely on the issues specific to the statement subsequently prepared."

13.0 Severability

The sections of these procedures are separate and severable from one another. If any section or portion therein is stayed or determined to be invalid, or the applicability of any section to any person or entity is held invalid, it is the Postal Service's intention that the validity of the remainder of those parts will not be affected, with the remaining sections to continue in effect.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R04-OAR-2025-0244; FRL-13461-02-R4]

Air Plan Approval; Kentucky; Campbell-Clermont Area Maintenance Plan for the 2010 1-Hour SO₂ NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA or Agency) is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Kentucky, through the Kentucky Division for Air Quality (DAQ), on February 20, 2025. The SIP revision includes the second 10-year maintenance plan for the Kentucky portion of the Campbell-Clermont, Kentucky-Ohio maintenance area ("Campbell-Clermont, KY-OH Area" or "Area") for the 2010 1-hour sulfur dioxide (SO₂) National Ambient Air Quality Standards (NAAQS). The Kentucky portion of the Area is comprised of a part of Campbell County. The EPA is approving Kentucky's second 10-year maintenance plan for the Kentucky portion of the Area because

the Commonwealth has demonstrated that it is consistent with the Clean Air Act (CAA or Act).

DATES: This direct final rule is effective November 24, 2026 without further notice, unless EPA receives adverse comment by October 26, 2026. If adverse comments are received, the EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R04-OAR-2025-0244 at [regulations.gov](https://www.regulations.gov). Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](https://www.regulations.gov). The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT: Nelsha Athauda, Multi Air Pollutant Coordination Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303-8960. The telephone number is (404) 562-9360. Ms. Athauda can also be reached via electronic mail at athauda.nelsha@epa.gov.

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I. The EPA's Final Action

In accordance with the CAA, the EPA is approving the second 10-year maintenance plan for the Kentucky portion of the Campbell-Clermont, KY-OH Area for the 2010 1-hour SO₂ NAAQS, submitted by DAQ as a revision to the Kentucky SIP on February 20, 2025. The second maintenance plan is designed to maintain the 2010 1-hour SO₂ NAAQS within the Area through the end of the second 10-year portion of the maintenance period beyond redesignation (through 2037). The EPA is approving the plan because it meets all applicable requirements under CAA sections 110 and 175A.

II. Background

On June 2, 2010, the EPA revised the primary SO₂ NAAQS, establishing a new 1-hour SO₂ standard of 75 parts per billion (ppb).¹ The 2010 1-hour SO₂ NAAQS is met at a monitoring site when the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations is less than or equal to 75 ppb, as determined in accordance with 40 CFR part 50, appendix T.² Ambient air quality monitoring data for the 3-year period must meet a data completeness requirement.³

Upon promulgation of a new or revised NAAQS, CAA section 107(d) requires the EPA to designate as nonattainment any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the NAAQS. The EPA designated the Area as nonattainment for the 2010 1-hour SO₂ NAAQS, effective on October 4, 2013, based on a violating 2009–2011 design value of 89 ppb at the Highland Heights ambient air monitor (Air Quality System (AQS) ID: 21–037–3002) in Campbell County, Kentucky.^{4,5} The Area consists of a portion of Campbell County, Kentucky and Pierce

Township in Clermont County, Ohio.⁶ Under CAA section 192(a), SO₂ nonattainment areas must attain the NAAQS as expeditiously as practicable but not later than five years after the effective date of the designation.⁷ The Area's attainment date was no later than October 4, 2018. The EPA's nonattainment designation for the Area established a requirement for Kentucky and Ohio to submit an attainment SIP within 18 months following the effective date of designation (October 4, 2013).⁸

When the EPA designated the Area as nonattainment for the 2010 1-hour SO₂ NAAQS, the EPA determined that operations at the Walter C. Beckjord Generating Station (Beckjord) were the major contributor to the SO₂ NAAQS violations at the Highland Heights monitor in Campbell County.^{9,10} In 2014, operations at Beckjord ceased, and the facility was permanently shut down.¹¹ The source is no longer authorized to operate and cannot restart without meeting the State of Ohio's prevention of significant deterioration (PSD) permitting requirements. The shutdown reduced SO₂ emissions in the Area from approximately 90,851 tons per year (tpy)¹² in 2011 to 38 tpy¹³ in 2016, resulting in a significant improvement in monitored air quality.

On March 31, 2015, DAQ submitted a request to the EPA for a clean data determination (CDD) for the Area based on the then-certified 2012–2014 SO₂ monitoring design value showing attainment of the SO₂ NAAQS. On February 22, 2016, DAQ submitted a redesignation request and first 10-year maintenance plan for the Kentucky portion of the Area. On March 10, 2017, EPA finalized approval of the Commonwealth's CDD, redesignation request, and first 10-year maintenance plan.^{14,15} The purpose of Kentucky's February 20, 2025, submittal is to fulfill the second 10-year maintenance plan requirement for the Kentucky portion of

the Area pursuant to CAA section 175A(b) to ensure compliance with the 2010 SO₂ NAAQS through 2037.¹⁶

III. The EPA's Evaluation of Kentucky's SIP Submittal

CAA section 175A sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. Under CAA section 175A(a), the plan must demonstrate continued attainment of the applicable NAAQS for at least 10 years after the Administrator approves a redesignation to attainment. The September 4, 1992, memorandum from John Calcagni, titled "Procedures for Processing Requests to Redesignate Areas to Attainment" outlines the key elements of a maintenance plan, which includes an attainment emissions inventory, a maintenance demonstration, monitoring network requirements, verification of continued attainment, and contingency plan elements.¹⁷ CAA section 175A(b) requires that eight years after the redesignation, the Commonwealth must submit a revised (second) maintenance plan demonstrating continued attainment of the relevant NAAQS for 10 years following the initial 10-year period. To address the possibility of future NAAQS violations, the maintenance plan must contain contingency measures deemed necessary to assure prompt correction of any future 2010 1-hour SO₂ violations.

Kentucky's February 20, 2025, submission provides a plan for continued maintenance of 2010 SO₂ NAAQS for the Kentucky portion of the Area through the end of the second 10-year maintenance period in 2037. The EPA has determined that Kentucky's second maintenance plan meets all the requirements established at CAA section 175A and is thus approving DAQ's February 20, 2025, SIP submission. The following is a summary of the EPA's interpretation of the CAA section 175A requirements and the EPA's evaluation of how Kentucky's SIP submission meets each requirement.

A. Attainment Emissions Inventory

For the second maintenance plan, DAQ, in consultation with the EPA Region 4 and the Ohio Environmental

¹ See 75 FR 35520.

² See 40 CFR 50.17(b).

³ A calendar year meets data completeness requirements when all four quarters are complete, and a quarter is complete when at least 75 percent of the sampling days for each quarter have complete data. A sampling day has complete data if 75 percent of the hourly concentration values, including State-flagged data affected by exceptional events which have been approved for exclusion by the Administrator, are reported. See 40 CFR part 50, appendix T, section 3.1(b).

⁴ See Final Technical Support Document, July 2013, Kentucky First Round of Nonattainment Area Designations for the 2010 SO₂ Primary NAAQS, Prepared by EPA Region 4 (2013 Kentucky TSD), available at [regulations.gov](https://www.epa.gov/regulations.gov) in Docket EPA-HQ-OAR–2012–0233 with Document ID No. EPA-HQ-OAR–2012–0233–0308.

⁵ See 40 CFR 50.17(b).

⁶ See 40 CFR 81.318 and 81.336.

⁷ CAA section 192(a) applies to SIPs required under CAA section 191(a).

⁸ See CAA section 191(a).

⁹ See 2013 Kentucky TSD.

¹⁰ See 78 FR 47191.

¹¹ See Appendix B of Kentucky's February 20, 2025, SIP submission for documentation of Walter C. Beckjord's shutdown.

¹² See Table 5 of 81 FR 86664.

¹³ See Table 5 in Kentucky's February 20, 2025, SIP submission.

¹⁴ EPA finalized approval of the Ohio Environmental Protection Agency (Ohio EPA) August 11, 2015, redesignation request and maintenance plan for the Clermont County portion of the Area on November 21, 2016. See 81 FR 83158.

¹⁵ See 82 FR 13227.

¹⁶ EPA published a direct final rule on July 16, 2025, approving Ohio's second maintenance plan for the Ohio portion of the Area, effective September 15, 2025. See 90 FR 31872.

¹⁷ "Procedures for Processing Requests to Redesignate Areas to Attainment," memorandum from John Calcagni, Director, Air Quality Management Division, September 4, 1992, available at <https://www.epa.gov/ground-level-ozone-pollution/procedures-processing-requests-redesignate-areas-attainment>.

Protection Agency (Ohio EPA), selected 2016 as the base year (*i.e.*, attainment emissions inventory year). Also, in consultation with Ohio EPA, Kentucky's SIP relies on the 2016v2 Emissions Modeling Platform (EMP)¹⁸ inventory as the preferred source of the 2016 base year and future year projected emissions data to demonstrate maintenance of the SO₂ NAAQS. The 2016v2 EMP draws on data from the 2017 National Emissions Inventory (which was updated to represent the year 2016 through the incorporation of 2016-specific State and local data) and includes emissions data for all criteria pollutants (and precursors) for electric utility generating unit (EGU) point sources, non-EGU point sources, on-road and non-road (mobile) sources, commercial marine vessels, and fires for the U.S., Canada, and Mexico. The 2016v2 EMP projects future year emissions for modeling years 2016, 2023, 2026, and 2032.¹⁹ Area source, on-road, and non-road emissions were compiled from the 2016v2 EMP for both 2016 and 2037 (with the 2032 modeling year used as a surrogate for 2037) for the Ohio and Kentucky portions of the Area.²⁰ Kentucky's SO₂ emissions for Campbell County used county-wide SO₂ emissions data rather than scaling down emissions to the portion of Campbell County in the Area

for each source sector (Ohio EPA's approach for Clermont County). On September 16, 2025, DAQ transmitted to the EPA a clarification letter²¹ to the Commonwealth's February 20, 2025, SIP submission, correcting typographical errors, base year and future year source sector emissions data, and clarifying how the Commonwealth developed the source sector emission inventories from the 2016v2 EMP data files. Specifically, Kentucky's supplement corrects footnote 14 in the February 20, 2025, SIP submission to reference Appendix D rather than Appendix C for additional information on emission inventory development. The supplement also identifies the three 2016v2 EMP input data files the Commonwealth used to develop the Campbell County SO₂ source-sector spreadsheet included in Appendix D of the SIP submission, including weblinks for each data file. Last, Kentucky's supplement corrects source sector emissions and documentation for *Table 3—Kentucky Portion SO₂ Emission Inventory Totals for 2016 Base Year and 2037 Second Maintenance Year (tpy)* of Kentucky's February 20, 2025, SIP submission including:

(1) Adding residential wood combustion and point fire emissions to the calculation for 2016 and 2037,

changing the area source totals from 15.46 tpy for both years to 20.61 tpy for 2016 and 20.39 tpy for 2037;

(2) Updating the non-EGU point source-sector emissions for the 2016 inventory from 2.06 tpy to 2.07 tpy, and;

(3) Clarifying that the non-road source-sector emissions for 2016 and 2037, (0.85 tpy and 0.43 tpy emissions, respectively) were calculated as a total of the commercial marine vehicles, railroads, and non-road emissions from the 2016v2 EMP to ensure a comprehensive accounting of non-road emissions in Campbell County.

Kentucky's corrections to the source-sector SO₂ emission values in Table 3 of the submittal changed the 2016 base year total emissions from 22.90 tpy to 28.06 tpy and the 2037 future year total emissions from 20.63 tpy to 25.56 tpy. Kentucky provided a revised Table 3 in the supplemental September 16, 2025, letter clarifying that the source-sector emission updates do not affect the Commonwealth's conclusion in its February 20, 2025, SIP revision that the Kentucky portion of the Area demonstrates maintenance of the SO₂ NAAQS for the second 10-year maintenance period. Kentucky's revised Table 3 source-sector corrections are reflected in the Campbell County 2016 base year inventory emission data in Table 1, below.²²

TABLE 1—2016 BASE YEAR SO₂ EMISSION INVENTORY FOR THE CAMPBELL-CLERMONT, KY–OH AREA (tpy) FROM THE EPA'S 2016v2 EMP

	EGU Point	Non-EGU Point	Non-road	Area	On-road	Total
Kentucky (Campbell County)	0	* 2.07	0.85	* 20.61	4.53	* 28.06
Ohio (Clermont County)	0	0.10	2.83	6.31	0.94	10.18
Area Total	0	* 2.17	3.68	* 26.92	5.47	* 38.24

* Source-sector emission values corrected in Kentucky's September 16, 2025, supplemental letter to EPA Region 4.

Table 1 shows that 2016 SO₂ emissions in the Kentucky portion of the Area were at 28.06 tpy (based on county-level data), with emissions for the Ohio portion at 10.18 tpy. At the time of the EPA's 2013 nonattainment designation, there were no SO₂ point

sources in the portion of Campbell County within the Area, and the Beckjord powerplant in Clermont County was the only SO₂ EGU point source in Ohio found to cause a violation at the Campbell County Highland Heights monitor.²³ Since the

EPA redesignated the Kentucky portion of the Area in 2017, there are no EGU and major point or non-point SO₂ emitting sources that could cause a violation of the SO₂ NAAQS at the Highland Heights monitor (AQS ID 21–

¹⁸ The EPA developed the 2016v2 emissions modeling platform in 2022 as an update to the 2016v1 platform based on new data, model versions and methods following the release of the 2016v1. See <https://www.epa.gov/air-emissions-modeling/2016v2-platform>) and Technical Support Document: Preparation of Emissions Inventories for the 2016v2 North American Emissions Modeling Platform; February 2022 (https://www.epa.gov/system/files/documents/2022-02/2016v2_emismod_tsd_february2022.pdf).

¹⁹ Documentation of the 2016v2 EMP inputs is provided in Appendix D of Kentucky's February 20, 2025, SIP submission.

²⁰ DAQ relied upon projected 2032 emissions as a surrogate for 2037 emissions based on the “relatively stagnant population growth in the Area and existing State and Federal rules in place which preclude the installation of a new source or group of sources with SO₂ emissions capable of causing or contributing to an exceedance of the NAAQS.” See Second 10-Year Maintenance Plan for the Kentucky-portion of the Campbell-Clermont, KY–OH Area at pp. 6–7.

²¹ Kentucky's September 11, 2025, supplemental letter is in the docket for this action.

²² The corrections are also reflected in Tables 2 and 3 in section III.B of this rulemaking below.

²³ In an August 11, 2015, redesignation request for Clermont County, the Ohio Environmental Protection Agency evaluated the potential contribution to elevated SO₂ levels in the Campbell-Clermont KY–OH Area from the W.H. Zimmer powerplant located approximately 15 km south of the Beckjord plant in Clermont County and 27 km southwest of the Campbell County SO₂ monitor. Ohio determined that emissions from Beckjord only—and not Zimmer—caused SO₂ violations in the Area. The Zimmer facility permanently ceased operations on May 31, 2022. See Appendix C of Kentucky's February 20, 2025, SIP submission for documentation of Zimmer's shutdown.

037–3002) as reflected in the 2023–2025, 3-year design value of 6 ppb.²⁴

B. Maintenance Demonstration

States may generally demonstrate maintenance by either performing air quality modeling to show that the future mix of sources and emission rates will not cause a violation of the NAAQS or by showing that projected future emissions of a pollutant and its precursors will not exceed the level of

emissions during a year when the area was attaining the NAAQS (*i.e.*, the 2016 base or attainment year inventory in Kentucky's SIP submission).²⁵ Kentucky's submission establishes that the 2037 projected inventory is below the level of the 2016 base year inventory thus demonstrating maintenance through 2037. The 2037 future year is appropriate because it is 10 years beyond the first 10-year maintenance period. Kentucky projected 2037 future

year emissions for non-EGU point, area, on-road,²⁶ and non-road source categories using the 2016v2 EMP 2032 model year emissions case as a surrogate for 2037. See Appendix D of Kentucky's SIP submission. The 2016 base year and 2037 future year SO₂ emission inventory totals for the Area were developed consistent with the EPA guidance and are summarized in Tables 2 and 3, below.

TABLE 2—2016 BASE YEAR AND 2037 FUTURE YEAR SO₂ EMISSION INVENTORY COMPARISON (tpy) FOR THE CAMPBELL-CLERMONT, KY–OH MAINTENANCE AREA

Source Sector	2016 Base year	2037 Future year
Kentucky (Campbell County):		
EGU Point	0	0
Non-EGU Point	* 2.07	2.07
Non-road	0.85	0.43
Area	* 20.61	* 20.39
On-road	4.53	2.67
Total	* 28.06	* 25.56
Ohio (Clermont County):		
EGU Point	0	0
Non-EGU Point	0.10	0.14
Non-road	2.83	1.38
Area	6.31	6.26
On-road	0.94	0.36
Total	10.18	8.14

* Source-sector emission values corrected in Kentucky's September 16, 2025, supplemental letter to EPA Region 4.

TABLE 3—2016 BASE YEAR AND 2037 FUTURE YEAR TOTAL SO₂ EMISSION INVENTORY (tpy) FOR THE CAMPBELL-CLERMONT, KY–OH AREA SECOND MAINTENANCE PLAN

Source Sector	2016 Base year	2037 Future year
EGU Point	0	0
Non-EGU Point	* 2.17	2.21
Non-road	3.68	1.81
Area	* 26.92	* 26.65
On-road	5.47	3.03
Total	* 38.24	* 33.70

* Source-sector emission values corrected in Kentucky's September 16, 2025, supplemental letter to EPA Region 4.

The 2014 permanent and enforceable shutdown of the Beckjord facility in Ohio resulted in significant SO₂ emission reductions in the Area. As shown in Table 4 below, the design values since attainment have steadily decreased with the latest design value being 92 percent below the NAAQS, demonstrating continued maintenance.

Tables 2 and 3 show no base and future year EGU point source emissions and low non-EGU point source emissions. See Appendix D of Kentucky's February 21, 2025, SIP revision for additional emissions inventory information. Currently, there are no large EGU or non-EGU SO₂ point sources located in either the Kentucky or Ohio portions of

the Area with the potential to cause a monitored violation.

Additionally, while neither the Commonwealth nor Ohio have projected significant growth in their respective counties, any potential new major stationary source that seeks to construct during the second 10-year maintenance period would be subject to each State's

²⁴ The EPA air quality design values are available at <https://www.epa.gov/air-trends/air-quality-design-values>.

²⁵ See Calcagni Memo at p. 9.

²⁶ Due to the relatively small, and decreasing, amounts of sulfur in gasoline and on-road diesel fuel, the EPA's transportation conformity rules provide that they do not apply to SO₂ unless either the EPA Regional Administrator or the director of the State air agency has found that transportation-

related emissions of SO₂ as a precursor are a significant contributor to a fine particulate matter (PM_{2.5}) nonattainment problem, or if the SIP has established an approved or adequate budget for such emissions as part of the RFP, attainment, or maintenance strategy. See 40 CFR 93.102(b)(1), (2)(v); "Guidance for 1-Hour SO₂ Nonattainment Area SIP Submissions," memorandum from Stephen D. Page, Director, April 23, 2014, available at <https://www.epa.gov/system/files/documents/>

2025-09/guidance-for-1-hour-so2-nonattainment-area-sip-submissions.pdf. As with the first 2010 1-hour SO₂ maintenance plan for the Area, motor vehicle emission budgets were not established because mobile sources were insignificant contributors to the Area's violation of the 2010 SO₂ NAAQS. In consultation with Kentucky and Ohio, the EPA agreed that mobile emissions budgets are not necessary for the second maintenance plan.

SIP-approved PSD program permitting requirements. Given the low design values for the Area, the EPA does not anticipate any future monitored violation of the SO₂ NAAQS for the Area. For the reasons discussed above, Kentucky’s February 20, 2025, SIP submission demonstrates maintenance of the 2010 SO₂ NAAQS for the Area.

C. Monitoring Network

The Highland Heights SO₂ monitor (AQS ID: 21–037–3002) located in Campbell County is the only SO₂ monitor operating in the Area. The 3-year design values²⁷ since the shutdown of the Beckjord facility in Ohio in 2014 have remained well below the 75 ppb 2010 1-hour SO₂ NAAQS. See Table 4 below and Figure 2 in Kentucky’s February 20, 2025, SIP

submission. The most recent complete and certified 3-year design value (2023–2025) for Highland Heights is 6 ppb. In its SIP revision, Kentucky has committed to continue to operate an EPA-approved ambient air quality network, in compliance with 40 CFR part 58 and has thus addressed the requirement for the monitoring. The EPA approved Kentucky’s 2025 Annual Ambient Air Monitoring Network Plan on October 28, 2025.²⁸

TABLE 4—CAMPBELL-CLERMONT, KY–OH AREA 1-HOUR SO₂ DESIGN VALUES [ppb]

Location	AQS ID	2013–2015	2014–2016	2015–2017	2016–2018	2017–2019	2018–2020	2019–2021	2020–2022	2021–2023	2022–2024	2023–2025
Highland Heights—Campbell County, KY	21–037–3002	50	30	15	12	11	9	9	10	8	7	6

D. Verification of Continued Attainment

An air agency should ensure that it has the legal authority to implement and enforce all measures necessary to attain and maintain the NAAQS. Additionally, the air agency should establish how it will track progress of the maintenance plan for the area. Kentucky, through DAQ, has the legal authority to enforce and implement the maintenance plan for the Kentucky portion of the Area. This includes the authority to adopt, implement, and enforce any subsequent contingency measures determined to be necessary to correct future attainment issues for the 2010 SO₂ NAAQS. In addition, Kentucky requires major point sources in all counties to submit SO₂ emissions information annually and assists in the preparation of new periodic inventories for all source sectors every three years in accordance with the Air Emissions Reporting Rule, 40 CFR part 51 subpart A. Kentucky will compare emissions information to the attainment year and the 2037 projected maintenance year inventories to assess emission trends and to ensure continued compliance with the standard. Lastly, as mentioned in section II.C above, the Commonwealth will continue to operate an EPA-approved ambient air quality network in accordance with monitoring requirements at 40 CFR part 58.

E. Contingency Plan

CAA section 175A(d) requires that a maintenance plan include such contingency measures as the EPA deems necessary to assure that the State will promptly correct a violation of the NAAQS that occurs after redesignation. The maintenance plan should identify the contingency measures to be adopted, a schedule and procedure for adoption and implementation, and a timeframe for action by the State. A State should also identify specific indicators to be used to determine when the contingency measures need to be implemented. The maintenance plan must include a requirement that a State will implement all measures with respect to control of the pollutant that were contained in the SIP before redesignation of the area to attainment in accordance with CAA section 175A(d). With the 2014 permanent shutdown of the Beckjord Generating Station, there are no EGU point sources in the Area, and thus DAQ does not anticipate future monitored violations of the 2010 SO₂ NAAQS.

Kentucky has an enforcement program to address NAAQS violations and will continue to identify violations of the SO₂ NAAQS and undertake an aggressive follow-up, if a violation occurs, to ensure compliance and enforcement of the standard. Ambient air SO₂ monitoring data will serve as the primary trigger for any response to

prevent or correct a NAAQS violation in the area. Kentucky has established warning and action level responses with specific triggering indicators. DAQ commits to adopt and expeditiously implement necessary corrective actions in the event of a warning or action level trigger.

A warning level trigger occurs whenever an annual average 99th percentile maximum daily 1-hour SO₂ concentration greater than 75 ppb occurs in a single calendar year within the Area.²⁹ A warning level response will consist of a study to evaluate the Area’s emission inventory for all source sectors, exceptional events, and best practices for implementing the State’s PSD permitting program at any new stationary source and/or new or modified area source. The study will determine if the monitored SO₂ concentrations indicate a trend toward higher values and/or if SO₂ emissions appear to be increasing. The study will evaluate whether any such trend is likely to continue and, if so, what control measures are necessary to reverse the trend. Implementation of controls will take place as expeditiously as possible, but no later than 12 months from the conclusion of the most recent calendar year.

An action level trigger occurs whenever a two-year average of the 99th percentile maximum daily 1-hour SO₂ concentration greater than 75 ppb

²⁷ Design values are calculated as the 3-year average of annual 99th percentile daily maximum 1-hour values for a monitoring site. See Appendix T to 40 CFR part 50.

²⁸ Kentucky’s 2025 Annual Ambient Air Monitoring Network Plan and EPA’s Approval Letter are both available in the docket for this action. For more information on the Highland

Heights monitor (AQS ID: 21–037–3002), see page 31 of the Network Plan.

²⁹ KDAQ’s submittal states that a “warning level response shall be prompted whenever the annual average 99th percentile maximum daily 1-hour SO₂ concentration of 75 ppb occurs in a single calendar year.” Per 40 CFR 50.17(b), the 1-hour primary standard is met at an ambient air quality monitoring site when the three-year average of the annual (99th

percentile) of the daily maximum 1-hour average concentrations is less than or equal to 75 ppb. On December 29, 2025, DAQ sent an email to the EPA clarifying that the warning level response will be prompted whenever an annual average 99th percentile maximum daily 1-hour SO₂ concentration greater than 75 ppb occurs in a single calendar year. The email is available in the docket for this action.

occurs within the Area. A violation of the NAAQS (the three-year average of the 99th percentile maximum daily 1-hour value SO₂ concentration of 75 ppb or greater) shall also prompt an action level response. In the event that the action level is triggered and is not found to be due to an exceptional event, malfunction, or noncompliance with a permit condition or rule requirement, DAQ in conjunction with the metropolitan planning organization or regional council of governments, will determine additional control measures needed to assure future attainment of the 1-hour SO₂ NAAQS. Measures that can be implemented in the short term will be selected for implementation within 18 months from the close of the calendar year that prompted the action level response. The Commonwealth will also consider the timing of an action level trigger and determine if additional, significant new regulations not currently included as part of the maintenance provisions will be implemented in a timely manner and will constitute the response.

If the Commonwealth determines that a new control measure that is already promulgated and scheduled to be implemented will be sufficient to address a violation of the SO₂ NAAQS, additional local measures may be unnecessary. DAQ will submit to the EPA an analysis to demonstrate that the proposed control measures are adequate to return the Area to attainment. If adoption of control measures is necessary, they will be subject to Kentucky's administrative and legal process. This process will include publication of notices, an opportunity for public hearing and comment, and other measures required by State law for revisions to the SIP. The selection of control measures will be based on cost-effectiveness, emission reduction potential, economic and social considerations, or other factors that the Commonwealth deems appropriate.

IV. Final Action

The EPA is approving the second maintenance plan for the Kentucky portion of the 2010 1-hour SO₂ Campbell-Clermont, KY–OH Area for the reasons discussed above. Approval of Kentucky's SIP revision will make certain commitments related to maintenance of the 2010 1-hour SO₂ NAAQS in the Kentucky portion of the Campbell-Clermont, KY–OH Area federally enforceable as part of the Kentucky SIP.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations.³⁰ Thus, in reviewing SIP submissions, the EPA's role is to approve State choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not an Executive Order 14192 (90 FR 9065, February 6, 2025) regulatory action because this action is not significant under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- 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);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a State program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175.³¹

³⁰ See 42 U.S.C. 7410(k); 40 CFR 52.02(a).

³¹ See 65 FR 67249, November 9, 2000.

This action is subject to the Congressional Review Act, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under CAA section 307(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 24, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action 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. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of this **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that the EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements.³²

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: September 15, 2026.

Kevin McOmber,

Regional Administrator, Region 4.

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart S—Kentucky

- 2. In § 52.920, amend the table in paragraph (e), by adding an entry for “2010 1-hour SO₂ Second 10-Year Maintenance Plan for the Kentucky portion of the Campbell-Clermont, KY–OH Area” at the end of the table to read as follows:

³² See CAA section 307(b)(2).

§ 52.920 Identification of plan. (e) * * *

EPA-APPROVED KENTUCKY NON-REGULATORY PROVISIONS

Name of non-regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approval date	Explanations
2010 1-hour SO ₂ Second 10-Year Maintenance Plan for the Kentucky portion of the Campbell-Clermont, KY-OH Area.	Campbell County portion of Campbell-Clermont, KY-OH Area.	2/20/2025	9/25/2026, 91 FR [Insert Federal Register page where the document begins]	

[FR Doc. 2026-19668 Filed 9-24-26; 8:45 am]
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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Parts 11 and 12

[Docket No. USCG-2022-0649]

RIN 1625-AC68

Implementation of Training Requirements for Personnel Serving on U.S.-Flagged Passenger Ships That Carry More Than 12 Passengers on International Voyages

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending its merchant mariner training regulations to implement amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, and the Seafarers’ Training, Certification and Watchkeeping Code, to require personnel serving on U.S.-flagged passenger ships carrying more than 12 passengers on international voyages to complete passenger ship emergency familiarization. This final rule also expands the applicability of the required crowd management training to include specified ratings on passenger ships. These required trainings would promote the safety of life at sea.

DATES: This final rule is effective October 26, 2026. The incorporation by reference of certain material listed in this rule is approved by the Director of the Federal Register as of October 26, 2026.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to

www.regulations.gov, type USCG-2022-0649 in the search box, and click “Search.” Next, in the Document Type column, select “Supporting & Related Material.”

FOR FURTHER INFORMATION CONTACT: For information about this document, call or email Megan Johns Henry, Coast Guard Office of Merchant Mariner Credentialing (CG-MMC-1); telephone 571-610-3303, email Megan.C.Johns@uscg.mil.

SUPPLEMENTARY INFORMATION:

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I. Abbreviations

- BLS U.S. Bureau of Labor Statistics
- BTS Bureau of Transportation Statistics
- CFR Code of Federal Regulations
- CG-MMC Coast Guard Office of Merchant Mariner Credentialing
- CSS Code Code of Safe Practices for Cargo Stowage and Securing
- DHS Department of Homeland Security
- DOT Department of Transportation
- GSA U.S. General Services Administration
- IBR Incorporated by Reference
- IGF Code International Code of Safety for Ships Using Gases or Other Low Flashpoint Fuels
- IMO International Maritime Organization
- IRFA Initial Regulatory Flexibility Analysis

- M&IE Meal and Incidental Expenses
- MISLE Marine Information for Safety and Law Enforcement
- MMC Merchant Mariner Credential
- NAICS North American Industry Classification System
- NARA National Archives and Records Administration
- NMC National Maritime Center
- NPRM Notice of proposed rulemaking
- OMB Office of Management and Budget
- PIC rule Persons in Charge of Fuel Transfers final rule
- POV Privately owned vehicle
- PSC Port State Control
- RA Regulatory analysis
- Ro-ro Roll-on/roll-off
- § Section
- SBA Small Business Administration
- SME Subject matter expert
- SOLAS International Convention for the Safety of Life at Sea, 1974, as amended
- STCW Convention International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978
- STCW Code Seafarers Training, Certification and Watchkeeping Code
- U.S.C. United States Code
- VSL Value of a Statistical Life

II. Basis and Purpose, and Regulatory History

The purpose of this final rule is to ensure the safety of passengers on board U.S.-flagged passenger ships by ensuring all shipboard personnel have completed training and are competent to assist passengers in the event of an emergency. As defined in 46 CFR 11.1103 and 12.903,¹ passenger ships are those ships carrying more than 12 passengers on an international voyage. With this rulemaking, the Coast Guard requires passenger ship emergency familiarization for all shipboard personnel on U.S.-flagged passenger ships, which may prevent the loss of life

¹ The Coast Guard adopted these definitions from the International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended, and codified them in the CFR. 78 FR 77796, 77974 & 77987 (Dec. 24, 2013).