

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 165**

[CGD13-04-007]

RIN 1625-AA00

Security Zone: Portland Rose Festival on Willamette River

AGENCY: Coast Guard, DHS.

ACTION: Implementation of regulation.

SUMMARY: The Captain of the Port Portland will enforce the Portland Rose Festival Security Zone from June 9, 2004, until June 13, 2004.

DATES: 33 CFR 165.1312 will be enforced commencing June 9, 2004, until June 13, 2004.

FOR FURTHER INFORMATION CONTACT: Captain of the Port Portland, 6767 N. Basin Ave, Portland, OR, 97217 at (503) 240-9370 to obtain information concerning enforcement of this rule.

SUPPLEMENTARY INFORMATION: On May 29, 2003, the Coast Guard published a final rule (68 FR 31979) establishing a security zone, in 33 CFR 165.1312, for the security of naval vessels on a portion of the Willamette River during the fleet week of the Rose Festival. This security zone provides for the regulation of vessel traffic in the vicinity of the moored naval vessels. Entry into this zone is prohibited unless authorized by the Captain of the Port or his designee. The Captain of the Port Portland will enforce the Rose Festival Security Zone established by 33 CFR 165.1312 from Wednesday, June 9, 2004, until Sunday, June 13, 2004. The Captain of the Port may be assisted by other Federal, state, or local agencies in enforcing this security zone.

Dated: March 1, 2004.

Paul D. Jewell,*Captain, U.S. Coast Guard, Captain of the Port, Portland.*

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[TX-164-1-7622; FRL-7638-5]

Approval and Promulgation of Implementation Plans; Texas; Control of Emission of Oxides of Nitrogen (NO_x) From Cement Kilns

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is approving revisions to the Texas State Implementation Plan (SIP). These revisions concern Control of Air Pollution from Nitrogen Compounds—Cement Kilns. The affected sources are major cement kilns that were in service before December 31, 1999. The EPA is approving these SIP revisions for cement kilns as they will contribute to attainment of the 1-hour ozone National Ambient Air quality Standards (NAAQS). Today's action does not intend to address any aspect(s) of the implementation of the 8-hour ozone NAAQS. The EPA is approving control of emissions of NO_x from cement kilns in accordance with the requirements of the Federal Clean Air Act (the Act).

DATES: This rule is effective on April 26, 2004.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations. Anyone wanting to examine these documents should make an appointment with the appropriate office at least two working days in advance.

Environmental Protection Agency, Region 6, Air Planning Section (6PD-L), 1445 Ross Avenue, Dallas, Texas 75202-2733.

Texas Commission on Environmental Quality (TCEQ), Office of Air Quality, 12124 Park 35 Circle, Austin, Texas 78753.

FOR FURTHER INFORMATION CONTACT: Mr. Alan Shar, Air Planning Section (6PD-L), EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-6691, and shar.alan@epa.gov.

SUPPLEMENTARY INFORMATION:**Table of Contents**

1. What actions are we taking in this document?
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Statutory and Executive Order Reviews

In this document "we," "us," and "our" refer to EPA.

1. What Actions Are We Taking in This Document?

On April 30, 2000, the Governor of Texas submitted to us rule revisions to 30 TAC, Chapter 117, Control of Air Pollution From Nitrogen Compounds concerning cement kilns operations (April 30, 2000 SIP submittal). The

April 30, 2000 SIP submittal specifically addressed revisions to the following sections of Chapter 117.

TABLE I.—AFFECTED SECTIONS OF THE RULE UNDER APRIL 30, 2000 SIP SUBMITTAL

Section	Title
117.260	Cement Kiln Definitions.
117.261	Applicability.
117.265	Emissions Specifications.
117.273	Continuous Demonstration of Compliance.
117.279	Notification, Recordkeeping, and Reporting Requirements.
117.283	Source Cap.
117.524	Compliance Schedule for Cement Kilns.

In CEMEX USA (CEMEX) and TXI Operations, LP (TXI) v. TCEQ, Case No. GN001480 (Travis Co. Dist. Ct. April 30, 2003), CEMEX and TXI challenged the State for adopting the above revision to Chapter 117. As a part of a negotiated settlement of the case, TCEQ issued a re-proposal to revise 30 TAC, Chapter 117, on October 24, 2002.

On December 9, 2002, EPA submitted comments to TCEQ concerning re-proposed revisions to Chapter 117.

On April 2, 2003, TCEQ submitted a revised Chapter 117, Control of Air Pollution from Nitrogen Compounds rule concerning cement kilns operations as a revision to the SIP (April 2, 2003 SIP submittal). The April 2, 2003 SIP submittal specifically addressed revisions to the following sections of Chapter 117.

TABLE II.—AFFECTED SECTIONS OF THE RULE UNDER APRIL 2, 2003 SIP SUBMITTAL

Section	Title
117.260	Cement Kiln Definitions.
117.265	Emissions Specifications.
117.279	Notification, Recordkeeping, and Reporting Requirements.
117.283	Source Cap.
117.524	Compliance Schedule for Cement Kilns.
117.570	Use of Credits for Compliance.

On July 30, 2003 (68 FR 44631), we published a direct final rulemaking action on these two submittals. In 68 FR 44631 we stated that if EPA receives relevant adverse comments, EPA would publish a timely withdrawal in the **Federal Register** informing the public that this Texas SIP revision would not take effect. The EPA received relevant adverse comments on the July 30, 2003 (68 FR 44631), rulemaking action during the public comment period.