

**§ 104.105 Applicability.**

(a) \* \* \*  
 (12) Barge carrying CDC in bulk or barge that is subject to 46 CFR Chapter I, subchapter I, that is engaged on an international voyage.  
 \* \* \* \* \*

■ 3. In § 104.115, temporarily add a new paragraph (d) to read as follows:

**§ 104.115 Compliance dates.**

(d) Owners or operators of vessels that carry ammonium nitrate or ammonium nitrate based fertilizers, in bulk, that are listed as Division 5.1 materials in 49 CFR 172.101, as well as propylene oxide, alone or mixed with ethylene oxide, in bulk, as listed in the definition of certain dangerous cargo (CDC) in § 160.204 of this title, must:

(1) Submit vessel security plans to the U.S. Coast Guard in accordance with subpart D of this part not later than December 16, 2004.

(2) Be operating in full compliance with the requirements of this part not later than March 16, 2005.

■ 4. In § 104.410, temporarily add a new paragraph (g) to read as follows:

**§ 104.410 Submission and approval.**

(g) Owners or operators of vessels that carry ammonium nitrate or ammonium nitrate based fertilizers, in bulk, that are listed as Division 5.1 materials in 49 CFR 172.101, as well as propylene oxide, alone or mixed with ethylene oxide, in bulk, as listed in the definition of certain dangerous cargo (CDC) in § 160.204 of this title, must submit vessel security plans to the U.S. Coast Guard in accordance with subpart D of this part not later than December 16, 2004.

**PART 105—MARITIME SECURITY: FACILITIES**

■ 5. The authority citation for part 105 continues to read as follows:

**Authority:** 33 U.S.C. 1226, 1231; 46 U.S.C. 70103; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–11, 6.14, 6.16, and 6.19; Department of Homeland Security Delegation No. 0170.1.

■ 6. In § 105.115, temporarily add a new paragraph (c) to read as follows:

**§ 105.115 Compliance dates.**

(c) Owners or operators of facilities that receive vessels carrying ammonium nitrate and ammonium nitrate based fertilizers, in bulk, that are listed as Division 5.1 materials in 49 CFR 172.101, as well as propylene oxide, alone or mixed with ethylene oxide, in

bulk, as listed in the definition of certain dangerous cargo (CDC) in § 160.204 of this title, and are not otherwise required to comply with this part must:

(1) Submit facility security plans to the U.S. Coast Guard in accordance with subpart D of this part not later than December 16, 2004.

(2) Be operating in full compliance with the requirements of this part not later than March 16, 2005.

■ 7. In § 105.410, temporarily add a new paragraph (g) to read as follows:

**§ 105.410 Submission and approval.**

(g) Owners or operators of facilities that receive vessels carrying ammonium nitrate and ammonium nitrate based fertilizers, in bulk, that are listed as Division 5.1 materials in 49 CFR 172.101, as well as propylene oxide, alone or mixed with ethylene oxide, in bulk, as listed in the definition of certain dangerous cargo (CDC) in § 160.204 of this title, and are not otherwise required to comply with this part, must submit facility security plans to the U.S. Coast Guard in accordance with subpart D of this part not later than December 16, 2004.

**PART 160—PORTS AND WATERWAYS SAFETY-GENERAL**

■ 8. The authority citation for part 160 continues to read as follows:

**Authority:** 33 U.S.C. 1223, 1231; 46 U.S.C. Chapter 701; Department of Homeland Security Delegation No. 0170.1. Subpart D is also issued under the authority of 33 U.S.C. 125 and 46 U.S.C. 3715.

■ 9. In § 160.204, in the definition for “Certain dangerous cargo (CDC)”, add new temporary paragraphs (9) and (10) to read as follows:

**§ 160.204 Definitions.**

Certain Dangerous Cargo (CDC)  
 \* \* \* \* \*

(9) Ammonium nitrate and ammonium nitrate based fertilizers, in bulk, listed as a Division 5.1 material in 49 CFR 172.101.

(10) Propylene oxide, alone or mixed with ethylene oxide, in bulk.  
 \* \* \* \* \*

■ 10. In § 160.210, temporarily suspend paragraph (a), and temporarily add a new paragraph (e) to read as follows:

**§ 160.210 Methods for submitting an NOA.**

(e) *Submission to the National Vessel Movement Center (NVMC).* Except as provided in paragraphs (b) and (c) of

this section, vessels must submit NOA information required by § 160.206 (entries 1–9 to Table 160.206) to the NVMC, United States Coast Guard, 408 Coast Guard Drive, Kearneysville, WV 25430, by:

(1) Electronic submission via the electronic NOA (e-NOA) available on the NVMC web site at <http://www.nvmc.uscg.gov>;

(2) Electronic submission via web service of formatted XML (eXtensible Markup Language) documents. E-mail [sans@nvmc.uscg.gov](mailto:sans@nvmc.uscg.gov) to ask for the XML schema details;

(3) E-mail at [sans@nvmc.uscg.gov](mailto:sans@nvmc.uscg.gov). Workbook available at <http://www.nvmc.uscg.gov>;

(4) Fax at 1–800–547–8724 or 304–264–2684. Workbook available at <http://www.nvmc.uscg.gov>; or,

(5) Telephone at 1–800–708–9823 or 304–264–2502.

Dated: August 9, 2004.

**Thomas H. Collins,**  
*Admiral, U.S. Coast Guard, Commandant.*  
 [FR Doc. 04–18899 Filed 8–17–04; 8:45 am]  
**BILLING CODE 4910–15–P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[R05–OAR–2004–MN–0001; FRL–7794–5]

**Approval and Promulgation of Implementation Plans; Minnesota; Sulfur Dioxide; United Defense**

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

**ACTION:** Direct final rule.

**SUMMARY:** The EPA is approving a revision to Minnesota’s State Implementation Plan (SIP) for Sulfur Dioxide (SO<sub>2</sub>) for the United Defense, LP facility located in Anoka County at 4800 East River Road, Fridley, Minnesota. This revision replaces the Administrative Order, originally issued to the facility on May 27, 1992, with a Title V permit containing non-expiring Title I SIP conditions, issued on November 25, 2002. The Minnesota Pollution Control Agency (MPCA) submitted this SIP revision on December 19, 2002.

**DATES:** This “direct final” rule is effective on October 18, 2004, unless EPA receives adverse written comments by September 17, 2004. If adverse comment is received, EPA will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Submit comments, identified by Docket ID No. R05-OAR-2004-MN-0001 by one of the following methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

*E-mail:* [bortzer.jay@epa.gov](mailto:bortzer.jay@epa.gov).

*Fax:* (312) 886-5824.

*Mail:* You may send written comments to: J. Elmer Bortzer, Chief, Air Programs Branch, (AR-18J), Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

*Hand delivery:* Deliver your comments to: J. Elmer Bortzer, Chief, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, 18th floor, Chicago, Illinois 60604.

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, 8:30 a.m. to 4:30 p.m. excluding Federal holidays.

*Instructions:* Direct your comments to Docket ID No. R05-OAR-2004-MN-0001. EPA's policy is that all comments received will be included in the public docket without change, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [regulations.gov](http://www.regulations.gov), or e-mail. The federal [regulations.gov](http://www.regulations.gov) Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through [regulations.gov](http://www.regulations.gov), your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. 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. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional instructions on submitting comments, go to section I of the **SUPPLEMENTARY INFORMATION** section of the related proposed rule which is

published in the proposed rules section of this **Federal Register**.

*Docket:* All documents in the docket are listed in the EDOCKET index at <http://www.epa.gov/edocket>. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Publicly available docket materials are available either electronically in EDOCKET or in hard copy at Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (We recommend that you telephone Kathleen D'Agostino, Environmental Engineer, at (312) 886-1767 before visiting the Region 5 office.) This Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:**

Kathleen D'Agostino, Environmental Engineer, Criteria Pollutant Section, Air Programs Branch (AR-18J), EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-1767, [dagostino.kathleen@epa.gov](mailto:dagostino.kathleen@epa.gov).

**SUPPLEMENTARY INFORMATION:** This **SUPPLEMENTARY INFORMATION** section is organized as follows:

I. General Information

- A. Does this Action Apply to Me?
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- II. What Has Minnesota Submitted?
- III. Did Minnesota Hold a Public Hearing?
- IV. What Action is EPA Taking?
- V. Statutory and Executive Order Reviews

**I. General Information**

*A. Does This Action Apply to Me?*

This action is rulemaking on a Sulfur Dioxide plan for the United Defense, LP facility located in Anoka County.

*B. How Can I Get Copies of This Document and Other Related Information?*

1. The Regional Office has established an electronic public rulemaking file available for inspection on EDOCKET and a hard copy file which is available for inspection at the Regional Office. EPA has established an official public rulemaking file for this action under Docket ID No. R05-OAR-2004-MN-0001. 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 Air Programs Branch, Air and Radiation Division, EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m. excluding Federal holidays.

2. *Electronic Access.* You may access this **Federal Register** document electronically through the [regulations.gov](http://www.regulations.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.

*C. 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 Region 5 Air Docket "R05-OAR-2004-MN-0001" 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.

For detailed instructions on submitting public comments and on what to consider as you prepare your comments see the **ADDRESSES** section and the section I General Information of

the **SUPPLEMENTARY INFORMATION** section of the related proposed rule which is published in the proposed rules section of this **Federal Register**.

## II. What Has Minnesota Submitted?

On December 19, 2002, the MPCA submitted a revision to Minnesota's SIP for SO<sub>2</sub> for the United Defense, LP facility located in Anoka County at 4800 East River Road, Fridley, Minnesota. This revision replaces the Administrative Order, originally issued to the facility on May 27, 1992, with a Title V permit containing non-expiring Title I SIP conditions, issued on November 25, 2002.

In addition to changing the form of the SIP for United Defense, the revision reflects several operational changes which result in reduced modeled ambient SO<sub>2</sub> impacts. The revised SIP reflects the fact that several older boilers were replaced by three newer units according to the schedule in the original Administrative Order. In addition, non-expiring permit conditions limit the sulfur content in the fuel used, whereas the Administrative order set emission limits for SO<sub>2</sub>. The new boilers are restricted to using either natural gas or No. 2 fuel oil with a maximum of 0.05 percent sulfur by weight; the Administrative Order allowed up to 0.40 percent sulfur. Standby generators are restricted to using diesel fuel with a maximum sulfur content of 0.05 percent; the Administrative Order allowed up to 0.50 percent sulfur. The permit no longer allows the use of waste oil, with up to 1.9 percent sulfur, which had been allowed by the Administrative Order. To demonstrate compliance with these provisions, the facility is required to obtain and maintain written documentation of each shipment of No. 2 fuel oil and diesel fuel oil received for the boilers. The documentation must include the sulfur content of the fuel and the method used to determine the sulfur content.

The facility has also established federally enforceable emission limits for volatile organic compounds, nitrogen oxides, hazardous air pollutants, particulate matter, and total particulate matter to avoid classification as a major source under new source review or national emission standards for hazardous air pollutants.

Minnesota has submitted updated dispersion modeling to support the proposed changes at the facility.

## III. Did Minnesota Hold a Public Hearing?

Under Minnesota administrative procedures, the MPCA may publish a public notice and offer the opportunity

for a public hearing in lieu of automatically holding a hearing. The MPCA published notice of its intended action on this permit and SIP revision; instituted a public comment period which ran from October 17, 2002, to November 15, 2002; and offered the opportunity for interested persons to request that MPCA hold a public information meeting, request that MPCA hold a contested case hearing, and/or submit a petition to the Commissioner requesting that the MPCA Board consider the permit matter. The MPCA received no comments pertaining to the SIP conditions and there were no requests for a public hearing.

## IV. What Action Is EPA Taking?

EPA is approving the December 19, 2002, revision to SIP for SO<sub>2</sub> for the United Defense, LP facility located in Anoka County at 4800 East River Road, Fridley, Minnesota. The recordkeeping requirements are appropriate to demonstrate compliance with sulfur content limits and the state has demonstrated through appropriate use of dispersion modeling that the area remains in attainment of the National Ambient Air Quality Standards for SO<sub>2</sub>.

## V. Statutory and Executive Order Reviews

### *Executive Order 12866: Regulatory Planning and Review*

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.

### *Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*

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).

### *Regulatory Flexibility Act*

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.*).

### *Unfunded Mandates Reform Act*

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 (Pub. L. 104-4).

### *Executive Order 13175: Consultation and Coordination With Indian Tribal Governments*

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).

### *Executive Order 13132: Federalism*

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.

### *Executive Order 13045: Protection of Children From Environmental Health and Safety Risks*

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.

### *National Technology Transfer Advancement Act*

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.

*Paperwork Reduction Act*

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.*).

*Congressional Review Act*

The Congressional Review Act, 5 U.S.C. 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. 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 October 18, 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, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: July 19, 2004.

**Norman Niedergang,**

*Acting Regional Administrator, Region 5.*

■ Part 52, chapter I, title 40 of the 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 Y—Minnesota**

■ 2. Section 52.1220 is amended by adding paragraph (c)(65) to read as follows:

**§ 52.1220 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(65) The Minnesota Pollution Control Agency submitted a revision to Minnesota's State Implementation Plan for sulfur dioxide on December 19, 2002. This revision consists of a Title V permit for the United Defense, LP facility located in Anoka County at 4800 East River Road, Fridley, Minnesota. The Permit contains non-expiring Title I SIP conditions.

(i) Incorporation by reference.

(A) Title I conditions contained in the November 25, 2002, Title V permit (permit number 00300020-001) issued to the United Defense, LP facility located in Anoka County at 4800 East River Road, Fridley, Minnesota.

[FR Doc. 04-18766 Filed 8-17-04; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 63**

[OAR-2003-0196; FRL-7783-7]

**RIN 2060-AK73**

**National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines**

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

**ACTION:** Final rule; stay.

**SUMMARY:** The EPA is staying the effectiveness of two subcategories of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for stationary combustion turbines: Lean premix gas-fired turbines and diffusion

flame gas-fired turbines. Pending the outcome of EPA's proposal to delete these subcategories from the source category list (68 FR 18338, April 7, 2004), EPA is staying the effectiveness of the emissions and operating limitations in the stationary combustion turbines NESHAP for new sources in the lean premix gas-fired turbines and diffusion flame gas-fired turbines subcategories. This action is necessary to avoid wasteful and unwarranted expenditures on installation of emission controls which will not be required if the subcategories are delisted.

**DATES:** The final rule is effective on August 18, 2004.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. OAR-2003-0196. All documents in the docket are listed in the EDOCKET index at <http://www.epa.gov/edocket>. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in EDOCKET or in hard copy at the EPA Docket Center (Air Docket), EPA/DC, EPA West, Room B-102, 1301 Constitution Avenue, NW., Washington, DC 10460. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air Docket is (202) 566-1742.

**FOR FURTHER INFORMATION CONTACT:** Ms. Kelly Rimer, Office of Air Quality Planning and Standards, Emission Standards Division, C404-01, Environmental Protection Agency, Research Triangle Park, NC 27709; telephone number: (919) 541-2962; fax number: 919-541-0840; e-mail address: [rimer.kelly@epa.gov](mailto:rimer.kelly@epa.gov).

**SUPPLEMENTARY INFORMATION:** *Regulated Entities.* Categories and entities potentially regulated by this action include:

Category	SIC	NAICS	Examples of regulated entities
Any industry using a stationary combustion turbine as defined in the regulation.	4911	2211	Electric power generation, transmission, or distribution.
	4922	486210	Natural gas transmission.
	1311	211111	
	1321	211112	Crude petroleum and natural gas production. Natural gas liquids producers.
	4931	221	