

New Jersey's procedure requires either submission of a NO<sub>x</sub> control plan if specific emission limitations do not apply to the specific source, or submission of a request for an alternative maximum allowable emission rate if specific emission limitations do apply to the specific source. In either case, the owners/operators must include a technical and economic feasibility analysis of the possible alternative control measures. Also, in either case, Subchapter 19 requires that New Jersey establish emission limits which rely on a RACT determination specific to the facility. The resulting NO<sub>x</sub> control plan or alternative maximum allowable emission rate must be submitted to EPA to approval as a SIP revision.

#### C. When Was New Jersey's RACT Determination Proposed and Adopted?

New Jersey's RACT determination was proposed on October 23, 2004, with a public comment period ending November 24, 2004. New Jersey adopted the RACT determination on March 9, 2005.

#### D. When Was New Jersey's SIP Revision Submitted to EPA?

New Jersey's SIP revision was submitted to EPA on March 31, 2005. EPA determined the submittal administratively and technically complete on April 25, 2005.

### III. Conclusion

EPA is proposing to approve the New Jersey SIP revision for an alternative RACT emission limit determination for Schering's HRSG with duct burner. This SIP revision contains source-specific NO<sub>x</sub> emission limitations for Schering. EPA will consider all information submitted prior to any final rulemaking action as a supplement or amendment to the SIP submittal.

EPA is requesting public comment on the issues discussed in today's action. EPA will consider all public comments before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting comments to the EPA Regional Office listed in the **ADDRESSES** section.

### IV. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed 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 proposed action merely proposed to approve state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this proposed 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.*). Because this rule proposes to approve 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).

This proposed 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). 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 proposes to approve a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Act. This proposed 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.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the 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 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. This proposed 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.*).

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: June 22, 2005.

**George Pavlou,**

*Acting Regional Administrator, Region 2.*

[FR Doc. 05-13056 Filed 6-30-05; 8:45 am]

**BILLING CODE 6560-50-M**

### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[R05-OAR-2005-MN-0002; FRL-7931-3]

#### Approval and Promulgation of Air Quality Implementation Plans; Minnesota

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve revisions to the sulfur dioxide requirements for Flint Hills Resources, L.P. (Flint Hills) of Dakota County, Minnesota. The requested revisions will allow the Rosemont, Minnesota petroleum refinery to produce ultra low sulfur diesel fuel. This expansion will add five sources and create an increase in sulfur dioxide emissions. An analysis of the additional sources was conducted. The results shows that the air quality of Dakota County will remain in compliance with the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide.

In the final rules section of this **Federal Register**, EPA is approving the SIP revision as a direct final rule without prior proposal, because EPA views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If we do not receive any adverse comments in response to these direct final and proposed rules, we do not contemplate taking any further action in relation to this proposed rule. If EPA receives adverse comments, we will withdraw the direct final rule and will respond to all public comments in a subsequent final rule based on this

proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

**DATES:** Written comments must be received on or before August 1, 2005.

**ADDRESSES:** Submit comments, identified by Regional Material in EDocket (RME) ID No. R05-OAR-2005-MN-0002 by one of the following methods:

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

*Agency Web Site:* <http://docket.epa.gov/rmepub/index.jsp>. RME, EPA's electronic public docket and comment system, is EPA's preferred method for receiving comments. Once in the system, select "quick search," then key in the appropriate RME Docket identification number. Follow the on-line instructions for submitting comments.

*E-mail:* [mooney.john@epa.gov](mailto:mooney.john@epa.gov).

*Fax:* (312) 886-5824.

*Mail:* You may send written comments to: John Mooney, Chief, Criteria Pollutant Section, (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

*Hand Delivery:* Deliver your comments to: John Mooney, Chief, Criteria Pollutant Section (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 RME ID No. R05-OAR-2005-MN-0002. 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 RME, [regulations.gov](http://regulations.gov), or e-mail. The EPA RME Web site and the Federal [regulations.gov](http://regulations.gov) Web site are "anonymous access" systems, 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 RME or [regulations.gov](http://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 this document.

*Docket:* All documents in the electronic docket are listed in the RME index at <http://www.epa.gov/rmepub/index.jsp>. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Publicly available docket materials are available either electronically in RME or in hard copy at the U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. Please telephone Matt Rau at (312) 886-6524 before visiting the Region 5 Office.

**FOR FURTHER INFORMATION CONTACT:** Matt Rau, Environmental Engineer, Criteria Pollutant Section, Air Programs Branch (AR-18J), U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6524. [Rau.matthew@epa.gov](mailto:Rau.matthew@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. General Information**

- A. Does This Action Apply to Me?
- B. What Should I Consider as I Prepare My Comments for EPA?
- II. What Action Is EPA Taking Today?
- III. Where Can I Find More Information About This Proposal and the Corresponding Direct Final Rule?

##### **I. General Information**

###### *A. Does This Action Apply to Me?*

This action applies to a single source, Flint Hills Resources in Dakota County, Minnesota.

###### *B. What Should I Consider as I Prepare My Comments for EPA?*

1. *Submitting CBI.* Do not submit CBI to EPA through RME, [regulations.gov](http://regulations.gov) or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the

comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

- a. Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- b. Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- c. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- d. Describe any assumptions and provide any technical information and/or data that you used.
- e. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- f. Provide specific examples to illustrate your concerns, and suggest alternatives.
- g. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- h. Make sure to submit your comments by the comment period deadline identified.

#### **II. What Action Is EPA Taking Today?**

The EPA is proposing to approve revisions to the Minnesota sulfur dioxide State Implementation Plan for the Flint Hills refinery. Flint Hills is installing equipment to begin producing ultra low sulfur diesel fuel. This revision adds five new emission sources and create an 125.7 tons per year increase in sulfur dioxide emissions at the Flint Hills facility. Flint Hills conducted air dispersion modeling to assess the effect of its proposed new equipment and operating plan on ambient air quality. The final results of the Flint Hills modeling, including background sulfur dioxide concentrations, were below the 3-hour, 24-hour, and annual sulfur dioxide NAAQS.

#### **III. Where Can I Find More Information About This Proposal and the Corresponding Direct Final Rule?**

For additional information, see the Direct Final Rule which is located in the Rules section of this **Federal Register**. Copies of the request and the EPA's analysis are available electronically at

RME or in hard copy at the above address. Please telephone Matt Rau at (312) 886-6524 before visiting the Region 5 Office.

Dated: June 21, 2005.

**Norman Niedergang,**

*Acting Regional Administrator, Region 5.*

[FR Doc. 05-13059 Filed 6-30-05; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52 and 81

[Docket No. R10-OAR-2004-WA-0003; FRL-7927-3]

#### Approval and Promulgation of Air Quality Implementation Plans; Spokane PM<sub>10</sub> Nonattainment Area Limited Maintenance Plan and Redesignation Request

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve revisions to the Limited Maintenance Plan for the Spokane nonattainment area (NAA) in Washington and grant the request by the State to redesignate the area from nonattainment to attainment for PM<sub>10</sub>. On November 30, 2004, the State of Washington submitted a Limited Maintenance Plan (LMP) for the Spokane nonattainment area (NAA) for approval and concurrently requested that EPA redesignate the Spokane NAA to attainment for the National Ambient Air Quality Standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM<sub>10</sub>). In 1997, EPA approved Washington's moderate area plan for the Spokane NAA for all PM<sub>10</sub> sources except windblown dust. In this action, EPA is also proposing to approve the remaining elements of the Spokane NAA moderate area plan for windblown dust sources.

**DATES:** Comments must be received on or before August 1, 2005.

**ADDRESSES:** Submit your comments, identified by Docket ID No. R10-OAR-2004-WA-0003, by one of the following methods:

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

- Agency Web site: <http://www.epa.gov/edocket>. EDOCKET, EPA's electronic public docket and comment system, is EPA's preferred method for receiving comments. Follow the on-line instructions for submitting comments.

- Mail: Gina Bonifacino, Office of Air, Waste and Toxics, OAWT-107 EPA,

Region 10, 1200 Sixth Ave., Seattle, Washington 98101.

- Hand Delivery: EPA, Region 10 Mail Room, 9th Floor, 1200 Sixth Ave., Seattle, Washington 98101. Attention: Gina Bonifacino, Office of Air, Waste and Toxics, OAWT-107. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instructions on how to submit comments.

**FOR FURTHER INFORMATION CONTACT:** Gina Bonifacino at telephone number: (206) 553-2970, e-mail address: [bonifacino.gina@epa.gov](mailto:bonifacino.gina@epa.gov), fax number: (206) 553-0110, or the above EPA, Region 10 address.

**SUPPLEMENTARY INFORMATION:** For further information, please see the direct final action, of the same title, which is located in the Rules section of this **Federal Register**. EPA is approving the State's SIP revision as a direct final rule without prior proposal because EPA views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the preamble to the direct final rule. If EPA receives no adverse comments, EPA will not take further action on this proposed rule.

If EPA receives adverse comments, EPA will withdraw the direct final rule and it will not take effect. EPA will address all public comments in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

Dated: June 17, 2005.

**Daniel D. Opalski,**

*Acting Regional Administrator, Region 10.*

[FR Doc. 05-12947 Filed 6-30-05; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52 and 81

[R10-OAR-2005-WA-0005; FRL-7931-4]

#### Approval and Promulgation of Implementation; Plans and Designation of Areas for Air Quality Planning Purposes: Wallula, WA, Area

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA, Agency, or we) proposes to approve a PM<sub>10</sub> State Implementation Plan (SIP) maintenance plan revision for the Wallula, Washington nonattainment area and to redesignate the area from nonattainment to attainment. PM<sub>10</sub> air pollution is suspended particulate matter with a nominal diameter less than or equal to a nominal ten micrometers. We are proposing to approve the revision and redesignation request because we believe the State adequately demonstrates that the control measures being implemented in the Wallula area result in maintenance of the PM<sub>10</sub> National Ambient Air Quality Standards and that all other requirements of the Clean Air Act for redesignation to attainment are met.

**DATES:** Comments must be received on or before August 1, 2005.

**ADDRESSES:** Submit your comments, identified by Docket ID No. R10-OAR-2005-WA-0005, by one of the following methods:

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

2. Agency Web site: <http://www.epa.gov/edocket>. EDOCKET, EPA's electronic public docket and comment system, is EPA's preferred method for receiving comments. Follow the on-line instructions for submitting comments.

3. E-mail: [r10.aircom@epa.gov](mailto:r10.aircom@epa.gov).

4. Mail: Office of Air, Waste and Toxics, Environmental Protection Agency, Attn: Donna Deneen, Mailcode: AWT-107, 1200 Sixth Avenue, Seattle, WA 98101.

5. Hand Delivery: Environmental Protection Agency Region 10, Attn: Donna Deneen (AWT-107), 1200 Sixth Ave., Seattle, WA 98101, 9th floor mail room. Such deliveries are only accepted during EPA's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. R10-OAR-2005-WA-