

Lakeshore Drive Bridge, 41°53'19" N, 087°36'51" W and the Wabash Street Bridge, 41°53'17" N, 087°37'36" W.

(i) *Date.* July 27, 2010.

(2) The second safety zone encompasses all U.S. navigable waters of the Chicago River between the Dearborn Street Bridge, 41°53'14" N, 087°37'46" W and the Wabash Street Bridge, 41°53'17" N, 087°37'36" W. [DATUM: NAD 83].

(i) *Date.* August 8, 2010.

(b) *Enforcement period.* The first safety zone will be enforced between 7 a.m. to 9 p.m. on July 27, 2010. The second safety zone will be enforced between 7 a.m. to 9 p.m. on August 8, 2010. The Captain of the Port, Sector Lake Michigan, or the on-scene representative may suspend and restart the enforcement of the safety zone at anytime within the stated enforcement times.

(c) *Regulations.* (1) In accordance with the general regulations in section 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port, Sector Lake Michigan, or his or her on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port, Sector Lake Michigan, or his or her on-scene representative.

(3) The "on-scene representative" of the Captain of the Port, Sector Lake Michigan, is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port, Sector Lake Michigan, to act on his or her behalf. The on-scene representative of the Captain of the Port, Sector Lake Michigan, will be on land in the vicinity of the safety zone and will have constant communications with the Chicago Marine Unit vessels that will be on-scene as the enforcement vessels.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port, Sector Lake Michigan, or his or her on-scene representative to obtain permission to do so. The Captain of the Port, Sector Lake Michigan, or his or her on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port, Sector Lake Michigan, or his or her on-scene representative.

Dated: July 21, 2010.

L. Barndt,

Captain, U.S. Coast Guard, Captain of the Port, Sector Lake Michigan.

[FR Doc. 2010-18960 Filed 8-2-10; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R05-OAR-2010-0450; FRL-9182-2]

Approval and Promulgation of Air Quality Implementation Plans; Minnesota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a request submitted by the Minnesota Pollution Control Agency (MPCA) on May 7, 2010, to revise the Minnesota State Implementation Plan (SIP) for sulfur dioxide (SO₂). The approval revises the Minnesota SIP by updating information regarding the heat and steam distributor facility of United Defense, LP, Inc, located in Fridley, Minnesota. The source has changed its name from United Defense, LP, Inc to ELT Minneapolis, LLC, as a consequence of a change in ownership. The revision replaces the joint Title I/Title V document currently approved in the SIP for the facility to reflect the change in ownership. These revisions do not change any of the SO₂ control requirements and will not result in an increase in SO₂ emissions at the facility because no emission limits were increased.

DATES: This direct final rule will be effective October 4, 2010, unless EPA receives adverse comments by September 2, 2010. If adverse comments are received, 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-R05-OAR-2010-0450, by one of the following methods:

1. *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.

2. *E-mail:* bortzer.jay@epa.gov.

3. *Fax:* (312)629-2054.

4. *Mail:* Jay Bortzer, Chief, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

5. *Hand Delivery:* Jay Bortzer, Chief, Air Programs Branch (AR-18J), U.S.

Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office 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. EPA-R05-OAR-2010-0450. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, 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 <http://www.regulations.gov> or e-mail. The <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 <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.

Docket: All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from

8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Charles Hatten, Environmental Engineer, at (312) 886-6031 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT:

Charles Hatten, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6031, hatten.charles@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA. This supplementary information section is arranged as follows:

- I. General Information
- II. What revision did the State request be incorporated into the SIP?
- III. What is EPA’s analysis of the State submission?
- IV. What action is EPA taking?
- V. Statutory and Executive Order Reviews.

I. General Information

A. Does this action apply to me?

This action applies only to the ELT Minneapolis, LLC, (ELT) for its River Road Industrial facility located at 4800 East River Road, Fridley, Minnesota (Anoka County).

B. Has public notice been provided?

Minnesota published a public notice of the revisions to the SIP on February 17, 2010. The comment period began on February 26, 2010, and ended on March 29, 2010. In the public notice, Minnesota stated it would hold a public hearing if one were requested during the comment period. This follows the alternative public participation process EPA approved on June 5, 2006 (71 FR 32274). For limited types of SIP revisions that the public has shown little interest in, a public hearing is not automatically required. Because no one requested a public hearing, Minnesota did not hold a public hearing.

C. What is the background to this action?

ELT owns and operates boilers and emergency generators in the city of Fridley, formerly owned and operated by United Defense, LP, Inc. The facility is used as a heat and steam distributor. The facility is located in the Anoka area’s non-attainment plan for the SO₂ National Ambient Air Quality Standard (NAAQS). However, the area currently meets the NAAQS for SO₂, and was officially redesignated as attainment on July 31, 1995.

The primary emission units at the facility are three fossil fuel-fired boilers

(Nos. 1, 2, and 3), and four emergency generators. Each boiler burns natural gas as fuel with distillate oil as a backup fuel. The generators only burn low sulfur diesel fuel.

II. What revision did the State request be incorporated into the SIP?

To reflect the change in ownership the State has requested that EPA replace the joint Title I/Title V document currently in the Minnesota SIP for United Defense, LP, Inc, with a new joint document for ELT Minneapolis, LLC.

A. What prior SIP actions are pertinent to this action?

The facility has been subject to a federally enforceable permit incorporated into Minnesota’s SIP as a joint Title I/Title V document, containing requirements for ensuring the attainment of the NAAQS for SO₂. As a result, the facility is subject to fuel usage limitations to restrict the total facility SO₂ emissions.

B. What are Title I conditions and joint Title I/Title V documents?

SIP control measures were contained in permits issued to culpable sources in Minnesota until 1990 when EPA determined that limits in state-issued permits are not federally enforceable because the permits expire. Minnesota then issued permanent Administrative Orders to culpable sources in nonattainment areas from 1991 to February of 1996.

Minnesota’s consolidated permitting regulations, approved into its SIP on May 2, 1995 (60 FR 21447), include the term “Title I condition” which was written, in part, to satisfy EPA requirements that SIP control measures remain permanent. A “Title I condition” is defined as “any condition based on source-specific determination of ambient impacts imposed for the purposes of achieving or maintaining attainment with the national ambient air quality standard and which was part of the state implementation plan approved by EPA or submitted to the EPA pending approval under section 110 of the act * * *.” The rule also states that “Title I conditions and the permittee’s obligation to comply with them, shall not expire, regardless of the expiration of the other conditions of the permit.” Further, “any title I condition shall remain in effect without regard to permit expiration or reissuance, and shall be restated in the reissued permit.”

Minnesota has initiated using joint Title I/Title V documents as the enforceable document for imposing emission limitations and compliance

requirements in SIPs. The SIP requirements in joint Title I/Title V documents submitted by MPCA are cited as “Title I conditions,” therefore ensuring that SIP requirements remain permanent and enforceable. EPA reviewed the State’s procedure for using joint Title I/Title V documents to implement site-specific SIP requirements and found it to be acceptable under both Titles I and V of the Clean Air Act (July 3, 1997 letter from David Kee, EPA, to Michael J. Sandusky, MPCA). Further, a June 15, 2006, letter from EPA to MPCA clarifies procedures to transfer requirements from Administrative Orders to joint Title I/Title V documents.

III. What is EPA’s analysis of the State submission?

The revision to the Minnesota SIP is solely an administrative change to reference the new name of the facility from United Defense, LP, Inc, to ELT Minneapolis, LLC. On November 22, 2005, the heat and steam distributor facility formerly owned and operated by United Defense, LP, Inc, was purchased by ELT. ELT operates the facility in an area that currently meets the NAAQS for SO₂.

This SIP revision replaces the joint Title I/Title V document, Air Permit No. 00300020-001, currently approved into the SIP for United Defense, LP, Inc with a new joint Title I/Title V document, Air Permit No. 00300245-001, for ELT Minneapolis, LLC. This revision does not involve any substantive changes to the SIP conditions. All fuel restrictions and SO₂ emission limits that apply to the boilers and emergency generators remain the same as those currently approved into the SIP.

IV. What action is EPA taking?

EPA is approving a revision to Minnesota’s SIP to replace the joint Title I/Title V document currently approved into the SIP for United Defense, LP, Inc, with a new joint Title I/Title V document, Air Permit No. 00300245-001, for ELT Minneapolis, LLC. These revisions do not change any of the SO₂ control requirements and will not result in an increase in SO₂ emissions because no emission limits were increased.

We are publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the state plan if relevant adverse written comments are filed. This rule will be

effective October 4, 2010 without further notice unless we receive relevant adverse written comments by September 2, 2010. If we receive such comments, we will withdraw this action before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. The EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. If we do not receive any comments, this action will be effective October 4, 2010.

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. 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);
- 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 an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- 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 Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

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 action 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 4, 2010. 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. 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 dioxide.

Dated: July 19, 2010.

Susan Hedman,

Regional Administrator, Region 5.

■ 40 CFR part 52 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. In § 52.1220, the table in paragraph (d) is amended by removing the entry for "United Defense, LP (formerly FMC/ U.S. Navy)" and adding in alphabetical order an entry for "ELT Minneapolis, LLC" to read as follows:

§ 52.1220 Identification of plan.

* * * * *
(d) * * *

EPA-APPROVED MINNESOTA SOURCE-SPECIFIC PERMITS

Name of source	Permit No.	State effective date	EPA approval date	Comments
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
ELT Minneapolis, LLC	003000245-001	09/10/08	August 3, 2010, [Insert page number where the document begins].	Only conditions cited as "Title I condition: SIP for SO ₂ NAAQS."
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