

available for inspection or copying where indicated under **ADDRESSES**.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

#### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. A new § 165.T08–139 is added to read as follows:

#### § 165.T08–139 Security Zone; Port of Mobile, Mobile Ship Channel, Mobile, AL.

(a) *Definition.* As used in this section—

*Cruise ship* means a passenger vessel over 100 gross tons, carrying more than 12 passengers for hire, making a voyage lasting more than 24 hours any part of which is on the high seas, and for which passengers are embarked or disembarked in the United States or its territories. This definition covers passenger vessels that must comply with 33 CFR parts 120 and 128.

(b) *Location.* The following areas are security zones: all waters of the Port of Mobile and Mobile Ship Channel—

(1) Within 100 yards of a cruise ship that is transiting shoreward of the Mobile Sea Buoy (located in approximate position 28°07'50" N, 88°4'12" W; NAD 83), and

(2) Within 25 yards of a cruise ship that is moored shoreward of the Mobile Sea Buoy.

(c) *Effective period.* This section is effective from 8 a.m. (CST) on October 14, 2004, until 6 p.m. (CST) on April 14, 2005.

(d) *Periods of Enforcement.* This rule will only be enforced when a cruise ship is transiting the Mobile Ship Channel shoreward of the Mobile Sea Buoy, while transiting in the Port of Mobile, or while moored in the Port of Mobile.

(e) *Regulations.* (1) In accordance with the general regulations in § 165.33 of this part, entry into a security zone is prohibited unless authorized by the Captain of the Port Mobile or a designated representative.

(2) While a cruise ship is transiting on the Mobile Ship Channel shoreward of

the Mobile Sea Buoy, and while transiting in the Port of Mobile, all persons and vessels are prohibited from entering within 100 yards of a cruise ship.

(3) While a cruise ship is moored in the Port of Mobile, all persons and vessels are prohibited from entering within 25 yards of a cruise ship.

(4) Persons or vessels that desire to enter into the security zone for the purpose of passing or overtaking a cruise ship that is in transit on the Mobile Ship Channel or in the Port of Mobile must contact the on-scene Coast Guard representative, request permission to conduct such action, and receive authorization from the on-scene Coast Guard representative prior to initiating such action. The on-scene Coast Guard representative may be contacted on VHF–FM channel 16.

(5) All persons and vessels authorized to enter into this security zone shall obey any direction or order of the Captain of the Port or designated representative. The Captain of the Port Mobile may be contacted by telephone at (251) 441–5976. The on-scene Coast Guard representative may be contacted on VHF–FM channel 16.

(6) All persons and vessels shall comply with the instructions of the Captain of the Port Mobile and designated on-scene U.S. Coast Guard patrol personnel. On-scene U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

Dated: October 15, 2004.

**Gary T. Croot,**

*Commander, U.S. Coast Guard, Captain of the Port Mobile, Acting.*

[FR Doc. 04–25129 Filed 11–10–04; 8:45 am]

**BILLING CODE 4910–15–P**

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[R07–OAR–2004–IA–0005; FRL–7836–4]

#### Approval and Promulgation of State Implementation Plans; State of Iowa

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is announcing a revision to the Iowa State implementation plan (SIP) establishing exemptions for equipment that is either used for nonproduction activities or exhausted inside a building, to establish an exemption for manually-operated equipment, and to establish exemptions

for emission units that can be classified as small units. The State has determined that air pollution emissions from this equipment are negligible and these exemptions are likely to result in no significant impact on human health or the environment.

**DATES:** This direct final rule will be effective January 11, 2005, without further notice, unless EPA receives adverse comment by December 13, 2004. If adverse comment is 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 Regional Material in EDocket (RME) ID Number R07–OAR–2004–IA–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://docket.epa.gov/rmepub/>. 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.

3. *E-mail:* [hamilton.heather@epa.gov](mailto:hamilton.heather@epa.gov).

4. *Mail:* Heather Hamilton, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

5. *Hand Delivery or Courier:* Deliver your comments to Heather Hamilton, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

*Instructions:* Direct your comments to RME ID No. R07–OAR–2004–IA–0005. 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://docket.epa.gov/rmepub/>, 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://www.regulations.gov), or e-mail. The EPA RME Web site and the [federalregister.gov](http://www.federalregister.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, 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 electronic docket are listed in the RME index at <http://docket.epa.gov/rmepub/>. 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 RME or in hard copy at the Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101. The Regional Office's official hours of business are Monday through Friday, 8 to 4:30 excluding Federal holidays. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

**FOR FURTHER INFORMATION CONTACT:** Heather Hamilton at (913) 551-7039, or by e-mail at [hamilton.heather@epa.gov](mailto:hamilton.heather@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document whenever "we," "us," or "our" is used, we mean EPA. This section provides additional information by addressing the following questions:

What Is a SIP?

What Is the Federal Approval Process for a SIP?

What Does Federal Approval of a State Regulation Mean to Me?

What Is Being Addressed in This Document?

Have the Requirements for Approval of a SIP Revision Been Met?

What Action is EPA Taking?

### What Is a SIP?

Section 110 of the Clean Air Act (CAA) requires States to develop air pollution regulations and control strategies to ensure that State air quality

meets the national ambient air quality standards (NAAQS) established by EPA. These ambient standards are established under section 109 of the CAA, and they currently address six criteria pollutants. These pollutants are: Carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide.

Each State must submit these regulations and control strategies to us for approval and incorporation into the Federally-enforceable SIP.

Each federally-approved SIP protects air quality primarily by addressing air pollution at its point of origin. These SIPs can be extensive, containing State regulations or other enforceable documents and supporting information such as emission inventories, monitoring networks, and modeling demonstrations.

### What Is the Federal Approval Process for a SIP?

In order for State regulations to be incorporated into the federally-enforceable SIP, States must formally adopt the regulations and control strategies consistent with State and Federal requirements. This process generally includes a public notice, public hearing, public comment period, and a formal adoption by a State-authorized rulemaking body.

Once a State rule, regulation, or control strategy is adopted, the State submits it to us for inclusion into the SIP. We must provide public notice and seek additional public comment regarding the proposed Federal action on the State submission. If adverse comments are received, they must be addressed prior to any final Federal action by us.

All State regulations and supporting information approved by EPA under section 110 of the CAA are incorporated into the federally-approved SIP. Records of such SIP actions are maintained in the Code of Federal Regulations (CFR) at title 40, part 52, entitled "Approval and Promulgation of Implementation Plans." The actual State regulations which are approved are not reproduced in their entirety in the CFR outright but are "incorporated by reference," which means that we have approved a given State regulation with a specific effective date.

### What Does Federal Approval of a State Regulation Mean to Me?

Enforcement of the State regulation before and after it is incorporated into the federally-approved SIP is primarily a State responsibility. However, after the regulation is federally approved, we are authorized to take enforcement action against violators. Citizens are also

offered legal recourse to address violations as described in section 304 of the CAA.

### What Is Being Addressed in This Document?

EPA is approving a revision to the SIP for the State of Iowa which establishes exemptions from its construction permitting program for low-emitting equipment that is either used for nonproduction activities or exhausted inside a building, an exemption for manually-operated equipment, and exemptions for emission units that can be classified as small units.

Equipment that is used for nonproduction activities or exhausted inside a building includes carving, cutting, routing, turning, drilling, machining, sawing, surface grinding, sanding, planing, buffing, sandblast cleaning, shot blasting, shot peening, or polishing ceramic artwork, leather, metals (other than beryllium), plastics, concrete, rubber, paper stock, and wood or wood products. (Iowa Administrative Code 567, chapter 22, Controlling Pollution, 22.1(2)u.)

Manually-operated equipment exemptions include equipment used for buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, scarfing, surface grinding, or turning. (Iowa Administrative Code 567, Chapter 22, Controlling Pollution, 22.1(2)v.)

The exemption for small units defines such units as emission units and associated control equipment (if applicable) that emit less than 40 pounds per year of lead and lead compounds expressed as lead; 5 tons per year of sulfur dioxide; 5 tons per year of nitrogen oxides; 5 tons per year of volatile organic compounds; 5 tons per year of carbon monoxide; 5 tons per year of particulate matter; 2.5 tons per year of PM<sub>10</sub>, and 5 tons per year of hazardous air pollutants. An emission unit that emits hazardous air pollutants is eligible for this exemption provided that the emission unit is not required to be reviewed for compliance with emission standards for hazardous air pollutants, or emission standards for hazardous air pollutants for source categories. An emission unit that emits air pollutants that are not regulated air pollutants as defined in the Iowa rules are not eligible to use this exemption. This exemption applies to both existing and new or modified small units.

An owner or operator that utilizes the small unit exemption must maintain on site an "exemption justification document." The exemption justification document must document conformance and compliance with the emission rate

limits contained in the definition of "small unit" for the particular emission unit or group of similar emission units for which the exemption applies. The controls described in the exemption justification document establish a limit on potential emissions.

The revision addresses the concern that small units may together lead to negative environmental impacts by use of a "substantial small unit" provision. A substantial small unit is defined as a unit that emits 75 percent of the small unit thresholds. The owner or operator of the facility must notify the state within 90 days of the end of a calendar year for which the aggregate emissions from substantial small units at the facility exceed any of the cumulative notice thresholds.

A cumulative notice threshold is the total combined emissions from all substantial small units using the small unit exemption which emit at the facility 0.6 tons per year of lead and lead compounds expressed as lead; 40 tons per year of sulfur dioxide; 40 tons per year of nitrogen oxides; 40 tons per year of volatile organic compounds; 100 tons per year of carbon monoxide; 25 tons per year of particulate matter; 15 tons per year of PM<sub>10</sub>; or 10 tons per year of any hazardous air pollutant or 25 tons per year of any combination of hazardous air pollutants.

In the event that the small unit or substantial small unit thresholds are exceeded, the owner or operator is subject to penalties for violation of the rule and must apply for air construction permits. (Iowa Administrative Code 567, Chapter 22, Controlling Pollution, 22.1(2)w.) Emission units which would be classified as major sources or modifications are not eligible for any of these exemptions.

Iowa adopted the rule revisions after a lengthy stakeholder process. Informational meetings were held in June and July, 2003, and a public hearing was held on October 7, 2003. No comments were received at the public hearing or during the comment period.

The State has reviewed the exemptions to determine whether sources operating under these exemptions might be anticipated to cause any air quality problems with respect to the NAAQS. The State has concluded that emission increases would be insignificant. EPA has concluded that exemption of emission units with such small emissions would not be expected to affect attainment or maintenance of any NAAQS.

### **Have the Requirements for Approval of a SIP Revision Been Met?**

The State submittal has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submittal also satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, as explained above and in more detail in the technical support document which is part of this document, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

### **What Action Is EPA Taking?**

EPA is revising the SIP for the State of Iowa for the purpose of adding information to establish exemptions for equipment that is either used for nonproduction activities or exhausted inside a building, to establish an exemption for manually-operated equipment, and to establish exemptions for emission units that can be classified as small units. The revision for 567–22.1(2)“u” and 567–22.1(2)“v” was effective October 8, 2003, and the revision for 567–22.1(2)“w” was effective January 14, 2004. This action is being processed as a direct final action because the revisions were made as a result of the state’s negotiated rulemaking process and no comments were submitted during the state’s public comment and hearing process. Therefore, we do not anticipate any adverse comments. Please note that if EPA receives adverse comment on part of this rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts of the rule that are not the subject of an adverse comment.

### **Statutory and Executive Order Reviews**

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. 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 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.*). 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).

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). 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 CAA. 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.

In reviewing SIP submissions, EPA’s role is to approve State choices, provided that they meet the criteria of the CAA. 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 CAA. 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 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.*).

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 January 11, 2005. 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, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: November 1, 2004.

**James B. Gulliford,**

*Regional Administrator, Region 7.*

■ 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 Q—Iowa

■ 2. In § 52.820 the table in paragraph (c) is amended under chapter 22 by revising the entry for "567–22.1" to read as follows:

#### § 52.820 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

#### EPA-APPROVED IOWA REGULATIONS

| Iowa citation                                                                          | Title                                                    | State effective date | EPA approval date                                                    | Explanation                                                                                                                                                                                                           |
|----------------------------------------------------------------------------------------|----------------------------------------------------------|----------------------|----------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Iowa Department of Natural Resources, Environmental Protection Commission (567)</b> |                                                          |                      |                                                                      |                                                                                                                                                                                                                       |
| *                                                                                      | *                                                        | *                    | *                                                                    | *                                                                                                                                                                                                                     |
| <b>Chapter 22—Controlling Pollution</b>                                                |                                                          |                      |                                                                      |                                                                                                                                                                                                                       |
| 567–22.1 .....                                                                         | Permits Required for New or Existing Stationary Sources. | 10/8/03<br>1/14/04   | 11/12/04 [ <i>insert FR page number where the document begins</i> ]. | Subrules 22.1(2), 22.1(2) "g," 22.1(2) "i" have a state effective date of 5/23/01. Subrules 22.1(2) "u" and "v" have a state effective date of 10/8/03 and subrule 22.1(2) "w" has a state effective date of 1/14/04. |
| *                                                                                      | *                                                        | *                    | *                                                                    | *                                                                                                                                                                                                                     |

\* \* \* \* \*

[FR Doc. 04–24918 Filed 11–10–04; 8:45 am]

BILLING CODE 6560–50–P

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[R05–OAR–2004–IL–0003; FRL–7831–8]

#### Approval and Promulgation of Implementation Plans; Illinois; Approval of a Site-Specific Sulfur Dioxide Plan Revision for CILCO Edwards Station

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

**ACTION:** Direct final rule.

**SUMMARY:** On July 29, 2003, Illinois submitted a site-specific sulfur dioxide (SO<sub>2</sub>) State Implementation Plan (SIP) revision request for the Central Illinois Light Company's Edwards Generating Station in Peoria County, Illinois (CILCO Edwards). This revision request is identical to an earlier temporary SIP revision, which EPA approved on April

13, 2000 (65 FR 19838). Therefore, EPA is approving the July 29, 2003, permanent SIP revision request.

**DATES:** This "direct final" rule is effective on January 11, 2005 unless EPA receives adverse written comments by December 13, 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 Regional Material in EDocket (RME) ID No. R05–OAR–2004–IL–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://docket.epa.gov/rmepub/>. Regional Material in EDocket (RME), EPA's electronic public docket and comments 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:* [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), U.S. 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 Regional Material in EDocket (RME) ID No. R05–OAR–2004–IL–0003. 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