

(1) The security zones in paragraphs (b)(1) (Honolulu Harbor), (b)(4) (Honolulu International Airport), and (b)(5) (Barbers Point Offshore Moorings) are subject to enforcement at all times.

(2) The security zones in paragraphs (b)(3) (Kalihi Channel and Keehi Lagoon, Oahu), and (b)(12) (Barbers Point Harbor, Oahu) will be subject to enforcement only upon the occurrence of one of the following events—

(i) Whenever the Maritime Security (MARSEC) Level, as defined in 33 CFR part 101, is raised by the Commandant of the Coast Guard to 2 or higher; or

(ii) Whenever the Captain of the Port, after considering all available facts, determines that there is a heightened risk of a transportation security incident or other serious maritime incident, including but not limited to any incident that may cause a significant loss of life, environmental damage, transportation system disruption, or economic disruption in a particular area. The Captain of the Port of Honolulu will cause notice of the enforcement of these security zones to be made by all appropriate means to affect the widest publicity, including the use of broadcast notice to mariners and publication in the local notice to mariners.

(iii) A notice will be published in the **Federal Register** reporting when events in paragraph (c)(2)(i) or (c)(2)(ii) have occurred.

(3) The large cruise ship security zones in paragraph (b)(6) (Kahului Harbor, Maui), (b)(7) (Nawiliwili Harbor, Lihue, Kauai), (b)(8) (Port Allen, Kauai), (b)(9) (Hilo Harbor, Hawaii), (b)(10) (Lahaina, Maui), and (b)(11) (Kailua-Kona, Hawaii), will be subject to enforcement upon the arrival of a LCS, as defined by this section, within the areas designated in paragraph (b). The Captain of the Port will cause notice of the enforcement of these security zones to be made by all appropriate means to affect the widest publicity, including the use of broadcast notice to mariners and publication in the local notice to mariners.

(4) The security zones in paragraph (b)(2) (Honolulu Harbor Anchorages B, C, and D) will be subject to enforcement upon the authorized anchoring of any vessel in excess of 300 gross tons within the anchorage area designated in paragraph (b). The Captain of the Port will cause notice of the enforcement of these security zones to be made by all appropriate means to affect the widest publicity, including the use of broadcast notice to mariners and publication in the local notice to mariners.

(5) The Captain of the Port will cause notice of the suspension of enforcement

of these security zones in this paragraph to be made by all appropriate means to affect the widest publicity, including the use of broadcast notice to mariners and publication in the local notice to mariners. During periods of suspension the COTP grants general permissions to enter specified security zones.

(d) *Enforcement*: Any Coast Guard commissioned, warrant or petty officer may enforce the security zones in this section.

(e) *Regulations*. (1) Under 33 CFR 165.33, entry into these security zones is prohibited unless authorized by the Coast Guard Captain of the Port, Honolulu or his designated representatives. When authorized passage through a large cruise ship security zone, all vessels must operate at the minimum speed necessary to maintain a safe course and must proceed as directed by the Captain of the Port or large cruise ship master. No person is allowed within 100 yards of a large cruise ship that is underway, moored, position keeping, or anchored, unless authorized by the Captain of the Port or his designated representatives.

(2) When conditions permit, the Captain of the Port, or authorized designate, may permit vessels that are at anchor, restricted in their ability to maneuver, or constrained by draft to remain within a large cruise ship security zone in order to ensure navigational safety.

(3) Persons desiring to transit the areas of the security zones may contact the Captain of the Port at command center telephone number (808) 541-2477 or (800) 552-6458, or on VHF channel 16 (156.8 Mhz) to seek permission to transit the area. Written requests may be submitted to the Captain of the Port, U.S. Coast Guard Sector Central Pacific, Sand Island Access Road, Honolulu, Hawaii 96819, or faxed to (808) 541-1431. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his designated representatives.

(f) *Waiver*. The Captain of the Port of Honolulu may waive any of the requirements of this section for any vessel or class of vessels upon his or her determination that application of this section to that vessel or class of vessels is unnecessary or impractical for the purpose of port and maritime security.

(g) *Penalties*. Any violation of the security zones described herein may result in the imposition of civil penalties (not to exceed \$25,000 per violation, where each day of a continuing violation is a separate violation), criminal penalties (imprisonment for not more than 10

years and a fine of not more than \$10,000), seizure and forfeiture of the offending vessel, and other administrative sanctions authorized by law.

Dated: April 7, 2004.

**C.D. Wurster,**

*Rear Admiral, U.S. Coast Guard, Commander, Fourteenth Coast Guard District.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 51

[FRL-7664-9; OAR-2002-0076]

### Regional Haze Regulations and Guidelines for Best Available Control Technology (BART) Determinations; Notice of Public Hearing

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

**ACTION:** Notice of public hearing.

**SUMMARY:** The EPA is announcing two public hearings for the proposed rule “Regional Haze Regulations and Guidelines for Best Available Control Technology (BART) Determinations” (69 FR 25184, May 5, 2004). The first public hearing will be held on June 4, 2004, in Alexandria, VA, and the second public hearing will be held on June 15, 2004, in Denver, CO. (The EPA will be holding a separate public hearing for a related proposal, “Supplemental Proposal for the Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule),” at the same facility in Alexandria, VA, on June 3, 2004. The EPA is holding the hearings on consecutive days to facilitate travel plans for persons wishing to attend both hearings.)

On July 1, 1999, EPA promulgated regulations to address regional haze (64 FR 3714). These regulations were challenged, and on May 24, 2002, the U.S. Court of Appeals for the District of Columbia Circuit issued a ruling vacating the regional haze rule in part and sustaining it in part. *American Corn Growers Ass’n v. EPA*, 291 F.3d 1 (D.C. Cir. 2002). The May 5, 2004 proposal (hereinafter referred to as the “BART rule”) addresses the court’s ruling in that case.

In addition, prior to the court’s decision, EPA had proposed guidelines for implementation of the BART requirements under the regional haze rule (66 FR 38108; July 20, 2001). The proposed guidelines were intended to

clarify the requirements of the regional haze rule's BART provisions. We proposed to add the guidelines and also proposed to add regulatory text requiring that these guidelines be used for addressing BART determinations under the regional haze rule. In addition, we proposed one revision to guidelines issued in 1980 for facilities contributing to "reasonably attributable" visibility impairment.

In the *American Corn Growers* case, the court vacated and remanded the BART provisions of the regional haze rule. To respond to the court's ruling, we have proposed new BART provisions and are repropounding the BART guidelines. The *American Corn Growers* court also remanded to the Agency its decision to extend the deadline for the submittal of regional haze plans. Subsequently, Congress amended the deadlines for regional haze plans (Consolidated Appropriations Act for Fiscal Year 2004, Public Law 108-199, January 23, 2004). We have proposed to amend the rule to conform to the new statutory deadlines.

**DATES:** The public hearings for the BART rule will be held on June 4, 2004, and June 15, 2004. Please refer to **SUPPLEMENTARY INFORMATION** for additional information on the public hearings.

**ADDRESSES:** The June 4, 2004 public hearing will be held at the Holiday Inn Select, Old Town Alexandria, 480 King Street, Alexandria, Virginia 22314, phone 703-549-6080. The June 15, 2004 public hearing will be held at the Adams Mark Hotel, 1550 Court Place, Denver, CO, 80202, phone 303-893-3333.

Written comments on the BART rule may also be submitted to EPA electronically, by mail, by facsimile, or through hand delivery/courier. Please refer to the BART rule for the addresses and detailed instructions.

Documents relevant to this action are available for public inspection at the EPA Docket Center, located at 1301 Constitution Avenue, NW., Room B102, Washington, DC, between 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding legal holidays. A reasonable fee may be charged for copying. Documents are also available through EPA's electronic Docket system at <http://www.epa.gov/edocket>.

The EPA Web site for this rulemaking, which will include information about the public hearings, are at <http://www.epa.gov/air/visibility/actions.html>.

**FOR FURTHER INFORMATION CONTACT:** If you would like to speak at the public hearing or have questions concerning the public hearing, please contact Nancy

Perry at the address given below under **SUPPLEMENTARY INFORMATION**. Questions concerning the proposed BART Rule should be addressed to Kathy Kaufman, U.S. EPA, Office of Air Quality Planning and Standards, Air Quality Strategies and Standards Division (C504-02), Research Triangle Park, NC 27711, telephone number (919) 541-0102, e-mail [kaufman.kathy@epa.gov](mailto:kaufman.kathy@epa.gov), or Todd Hawes, U.S. EPA, Office of Air Quality Planning and Standards, Air Quality Strategies and Standards Division (C504-02), Research Triangle Park, NC 27711, telephone number (919) 541-5591, e-mail at [hawes.todd@epa.gov](mailto:hawes.todd@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**Public Hearings**

The public hearings will provide interested parties the opportunity to present data, views, or arguments concerning the proposed rules. The EPA may ask clarifying questions during the oral presentations, but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as any oral comments and supporting information presented at the public hearings. Written comments must be postmarked by the last day of the comment period, as specified in the proposals.

The public hearings will be held on June 4, 2004, and June 15, 2004. The meeting facilities and phone numbers are provided above under **ADDRESSES**.

If you would like to present oral testimony at the hearings on either or both proposals, please notify Nancy Perry, U.S. EPA, Office of Air Quality Planning and Standards, Air Quality Strategies and Standards Division, C504-02, Research Triangle Park, NC 27711, telephone (919) 541-5628, e-mail [perry.nancy@epa.gov](mailto:perry.nancy@epa.gov).

The public hearings will begin each day at 9 a.m. and continue into the evening until 5 p.m.

Oral testimony will be limited to 5 minutes for each commenter. We will not be providing equipment for commenters to show overhead slides or make computerized slide presentations unless we receive special requests in advance. Commenters should notify Nancy Perry if they will need specific equipment. The EPA encourages commenters to provide written versions of their oral testimonies either electronically on computer disk or CD-ROM or in paper copy. Verbatim transcripts of the hearings and written statements will be included in the rulemaking dockets.

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

The BART rule is available at the EPA Web site identified above, and was published in the **Federal Register** on May 5, 2004 at 69 FR 25184.

The EPA has established the official public docket for the BART rule under Docket ID No. OAR-2002-0076. The EPA has also developed a Web site for the proposal at the addresses given above. Please refer to the proposals for detailed information on accessing information related to the proposal.

Dated: May 13, 2004.

**Gregory A. Green,**

*Acting Director, Office of Air Quality Planning and Standards.*

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[IN 140-4b; FRL-7658-8]

**Approval and Promulgation of Implementation Plans; IN**

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency is proposing to approve rules submitted by the State of Indiana as revisions to its State Implementation Plan (SIP) for the prevention of significant deterioration (PSD) air quality construction permit program.

In the 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 amendment and anticipate no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If EPA receives no adverse comments in response to this proposed rule, EPA will take no further action on this proposed rule. If EPA receives adverse written comments, the direct final rule will be withdrawn and all public comments received will be addressed 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:** Comments must be received on or before June 21, 2004.

Comments may be submitted by mail, electronically, or by hand delivery/