

environmental organizations that advises the Commission on technical matters relating to water quality within the basin.

**Proposed Change to Existing Criteria.** The Commission's existing pH criteria applicable to the main stem are expressed as ranges. "Between 6.0 and 8.5" is the range currently assigned to all freshwater (non-tidal) zones of the main stem Delaware River—DRBC Water Quality Zones 1A through 1E. In all tidal zones—DRBC Water Quality Zones 2 through 6, which include the tidal main stem and tidal portions of its tributaries—the pH range currently in effect is "between 6.5 and 8.5". The proposed amendments would make 6.5 the lower threshold of acceptable pH conditions for all water quality zones encompassing reaches of the main stem and tidal portions of its tributaries.

**Natural Conditions Clause.** The proposed amendments would add a clause to the pH criteria recognizing natural deviations outside the 6.5 to 8.5 pH range in the moderately acidic waters draining the Catskill Mountains and Pocono Plateau, the high-light and high-productivity zones of the non-tidal main stem, and the acidic coastal plain tidewaters of the Delaware Estuary.

**Proposed Rule Text.** In accordance with these proposed changes, the pH criteria for Water Quality Zones 1A through 1E (non-tidal main stem) and 2 through 6 (tidal main stem and tidal portions of tributaries) are proposed to be amended to read, "Between 6.5 and 8.5 inclusive, unless outside this range due to natural conditions." The affected sections of the Commission's *Water Quality Regulations* consist of subsection C.3 of each of sections 2.20.2 through 2.20.6, respectively, for Water Quality Zones 1A through 1E (non-tidal main stem); and sections 3.30.2 through 3.30.6, respectively, for Water Quality Zones 2 through 6 (tidal main stem and tidal portions of tributaries). It is further proposed to amend paragraph 410.1(c) of title 18 of the Code of Federal Regulations by replacing the date of incorporation by reference that appears there (currently, December 8, 2010), with the date on which the Commission adopts a final rule in response to this proposal.

Dated: September 17, 2013.

**Pamela M. Bush,**

*Commission Secretary.*

[FR Doc. 2013–23029 Filed 9–24–13; 8:45 am]

**BILLING CODE 6360–01–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 151

[Docket No. USCG–2004–19621]

RIN 1625–AA89

#### Dry Cargo Residue Discharges in the Great Lakes

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of availability and request for comments.

**SUMMARY:** The Coast Guard announces the availability of the Final Environmental Impact Statement (FEIS) assessing the potential environmental impacts associated with a proposed final rule to regulate discharges of dry cargo residue (DCR) in the Great Lakes. The Coast Guard requests public comment on the FEIS.

**DATES:** Comments and related material must reach the Docket Management Facility on or before October 25, 2013.

**ADDRESSES:** You may submit or view comments or related material identified by docket number USCG–2004–19621 using any one of the following methods:

(1) *Federal eRulemaking Portal:*

<http://www.regulations.gov>.

(2) *Fax:* 202–493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice, call or email Timothy P. O'Brien, Coast Guard; telephone 202–372–1539, email [Timothy.P.O'Brien@uscg.mil](mailto:Timothy.P.O'Brien@uscg.mil). If you have questions on viewing or submitting material to the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone 202–366–9826.

**SUPPLEMENTARY INFORMATION:** Pursuant to the National Environmental Policy Act of 1969, codified at 42 U.S.C. 4321–4370f, Department of Homeland Security Management Directive 023–01, and Commandant Instruction M16475.1D, we are making available to the public our FEIS assessing the potential environmental impacts associated with a proposed final rule to

regulate discharges of dry cargo residue in the Great Lakes.

In August 2008, the Coast Guard issued an Environmental Impact Statement (the Phase I FEIS), which evaluated regulatory alternatives for discharging DCR into the Great Lakes. Based in part on that FEIS's findings, we published an interim rule on September 29, 2008 (73 FR 56492). It kept in place the Coast Guard's interim enforcement policy for Great Lakes DCR discharges and announced our intention to research Phase I FEIS data gaps related to DCR discharge control measure costs and effectiveness.

The Phase II FEIS we are now making available is "tiered" off the Phase I FEIS, addresses the Phase I FEIS data gaps, and would provide support for a Coast Guard final rule to take the place of the 2008 interim rule. It finalizes the Phase II draft EIS that we made available for public comment when we issued a supplemental notice of proposed rulemaking (77 FR 44528; Jul. 30, 2012) to propose the final rule. The Phase II FEIS reviews data we collected from approximately 2,000 DCR reporting forms and 30 Coast Guard-observed dry cargo loading and unloading operations. Data collected permitted further evaluations of DCR quantities and the effectiveness of control measures. The Phase II FEIS analysis concludes that the final rule would require maintaining a "broom-clean" standard on the vessel deck and implementing a management plan to minimize DCR discharges from a vessel's deck and tunnel. Vessels would need to keep onboard records of DCR-related discharges and continue observing existing DCR discharge exclusion areas. Mitigation of nearshore and port impacts would be included through a prohibition of limestone and clean stone DCR discharges within 3 statute miles of shore. In the Western Basin of Lake Erie, vessels not traveling beyond 3 statute miles from shore could discharge DCR within dredged navigation channels and not create adverse impacts to native sediment or benthos.

We encourage you to submit comments or related material on the FEIS. Please include your personal contact information so we can contact you if we need to follow up. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided. Anyone can search <http://www.regulations.gov> using a comment submitter's personal information; for more information see the Department of Transportation's Privacy Act notice (73

FR 3316; Jan. 17, 2008). We will consider all comments and material received during the comment period. Currently, we have no plans to hold public meetings in connection with this notice, but if you think such a meeting would be beneficial, contact us (see **FOR FURTHER INFORMATION CONTACT**).

#### Authority

The Coast Guard issues this notice under authority of the Freedom of Information Act, codified at 5 U.S.C. 552(a).

Dated: September 15, 2013.

**J.G. Lantz,**

*Director of Commercial Regulations and Standards, United States Coast Guard.*

[FR Doc. 2013-23283 Filed 9-24-13; 8:45 am]

**BILLING CODE 9110-04-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 49

[EPA-R09-OAR-2013-0009; FRL-9901-28-Region9]

#### Approval of Air Quality Implementation Plans; Navajo Nation; Regional Haze Requirements for Navajo Generating Station; Extension of Public Comment Period

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

**ACTION:** Proposed rule; notice of extended comment period.

**SUMMARY:** On February 5, 2013, EPA proposed a Best Available Retrofit Technology (BART) determination for oxides of nitrogen (NO<sub>x</sub>) for the Navajo Generating Station (NGS), located on the Navajo Nation, and provided a three-month period to accept public comments that was scheduled to close on May 6, 2013. At the request of interested stakeholders, EPA extended the comment period on two occasions, first on March 19, 2013, and again on July 9, 2013. The comment period was scheduled to close October 4, 2013. Additionally, on June 19, 2013, EPA announced our intention to hold five public hearings to accept written and oral comment on our proposed BART determination for NGS. On July 26, 2013, a group of stakeholders, known as the Technical Work Group (TWG), submitted its recommendation for an additional BART Alternative to EPA for consideration (TWG Alternative). EPA is in the process of evaluating this alternative. Because EPA has not yet announced the schedule for the public hearings, and because EPA is still

evaluating the TWG Alternative and may supplement our February 5, 2013 proposal, EPA is extending the comment period an additional three months. EPA intends to hold the public hearings prior to the close of this extended comment period and to announce the schedule shortly.

**DATES:** Comments on the proposed rulemaking for NGS must be postmarked no later than January 6, 2014.

**ADDRESSES:** Submit comments, identified by docket number EPA-R09-OAR-2013-0009, by one of the following methods:

(1) *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). Follow the on-line instructions.

(2) *Email:* [r9ngsbart@epa.gov](mailto:r9ngsbart@epa.gov).

(3) *Mail or deliver:* Anita Lee (Air-2), U.S. Environmental Protection Agency Region 9, 75 Hawthorne Street, San Francisco, CA 94105-3901.

For more detailed instructions concerning how to submit comments on this proposed rule, and for more information on our proposed rule, please see the notice of proposed rulemaking, published in the **Federal Register** on February 5, 2013 (78 FR 8274).

**Instructions:** All comments will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through [www.regulations.gov](http://www.regulations.gov) or email. [www.regulations.gov](http://www.regulations.gov) is an “anonymous access” system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email directly to EPA, your email address will be automatically captured and included as part of the public comment. 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.

**Hearings:** EPA intends to schedule five public hearings to accept oral and written comments on the proposed rulemaking. EPA intends to hold the public hearings at locations on the Navajo Nation and the Hopi Tribe, as well as in Page, Phoenix, and Tucson, Arizona. EPA will provide notice and additional details related to the hearings in the **Federal Register**, on our Web site,

and in the docket for this proposed rulemaking.

**Docket:** The index to the docket for this action is available electronically at [www.regulations.gov](http://www.regulations.gov) and in hard copy at EPA Region 9, 75 Hawthorne Street, San Francisco, California. While documents in the docket are listed in the index, some information may be publicly available only at EPA Region 9 (e.g., maps, voluminous reports, copyrighted material), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

#### **FOR FURTHER INFORMATION CONTACT:**

Anita Lee, EPA Region 9, (415) 972-3958, [r9ngsbart@epa.gov](mailto:r9ngsbart@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

Throughout this document, “we”, “us”, and “our” refer to EPA.

#### **Table of Contents**

- I. Background
- II. Today's Action

#### **I. Background**

NGS is a coal-fired power plant located on the Navajo Nation Indian Reservation, just east of Page, Arizona, approximately 135 miles north of Flagstaff, Arizona. Emissions of NO<sub>x</sub> from NGS affect visibility at 11 National Parks and Wilderness Areas that are designated as Class I federal areas (Class I areas), mandated by Congress to receive heightened protection. NGS is subject to the BART requirement of the CAA and the Regional Haze Rule (RHR) based on its age and its effects on visibility in Class I areas.

On February 5, 2013, EPA proposed a BART determination to require NGS to achieve a nearly 80 percent reduction of its current overall NO<sub>x</sub> emission rate. EPA also proposed an alternative to BART that would provide flexibility to NGS in the schedule for the installation of new post-combustion control equipment. As discussed in more detail in our proposed rulemaking, EPA proposed to exercise its authority and discretion under section 301(d)(4) of the CAA (42 U.S.C. § 7601(d)(4)), and the Tribal Authority Rule (40 CFR 49.11(a)), to credit NGS for its early and voluntary installation of new combustion controls and to propose an extended timeframe for NGS for alternative measures to BART under the RHR.

In recognition that there may be other approaches that could result in better visibility benefits than BART, as well as the importance of NGS to the Navajo Nation, Hopi Tribe, the Gila River Indian Community, and numerous other