

Dated: July 29, 2004.

**Waverly W. Gregory, Jr.,**

Chief, Bridge Administration Branch, Fifth Coast Guard District.

[FR Doc. 04-18204 Filed 8-9-04; 8:45 am]

BILLING CODE 4910-15-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[CGD01-04-095]

#### Drawbridge Operation Regulations: Newtown Creek, Dutch Kills, English Kills, and Their Tributaries, NY

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations for the Metropolitan Avenue Bridge, mile 3.4, across English Kills at New York City, New York. Under this temporary deviation the bridge may remain closed from August 16 to August 21, and August 23 to August 28, 2004, to facilitate necessary bridge maintenance.

**DATES:** This deviation is effective from August 16, 2004 through August 28, 2004.

**FOR FURTHER INFORMATION CONTACT:** Judy Leung-Yee, Project Officer, First Coast Guard District, at (212) 668-7195.

**SUPPLEMENTARY INFORMATION:** The Metropolitan Avenue Bridge has a vertical clearance in the closed position of 10 feet at mean high water and 15 feet at mean low water. The existing drawbridge operation regulations are listed at 33 CFR 117.801(e).

The owner of the bridge, New York City Department of Transportation (NYCDOT), requested a temporary deviation from the drawbridge operation regulations to facilitate rehabilitation repairs at the bridge. The bridge must remain in the closed position to perform these repairs.

Under this temporary deviation the NYCDOT Metropolitan Avenue Bridge may remain in the closed position from August 16 to August 21, and August 23 to August 28, 2004.

This deviation from the operating regulations is authorized under 33 CFR 117.35, and will be performed with all due speed in order to return the bridge to normal operation as soon as possible.

Dated: July 30, 2004.

**David P. Pekoske,**

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 04-18206 Filed 8-9-04; 8:45 am]

BILLING CODE 4910-15-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[R04-OAR-2003-SC-0001-200416(a); FRL-7799-5]

#### Approval and Promulgation of Implementation Plans; South Carolina: Source Testing

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

**ACTION:** Direct final rule.

**SUMMARY:** The EPA is approving revisions to the South Carolina State Implementation Plan (SIP) revision submitted by the South Carolina Department of Health and Environmental Control on September 4, 2002, and July 25, 2003. These revisions consist of the establishment, standardization, and clarification of source testing requirements. South Carolina is also changing the title of Regulation 62.1 to reflect that it contains general provisions.

**DATES:** This direct final rule is effective October 12, 2004, without further notice, unless EPA receives adverse comment by September 9, 2004. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Regional Material in EDocket (RME) ID No. R04-OAR-2003-SC-0001, by one of the following methods:

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

3. E-mail: [ward.nacosta@epa.gov](mailto:ward.nacosta@epa.gov).

4. Fax: 404-562-9019.

5. Mail: "R04-OAR-2003-SC-0001", Regulatory Development Section, Air

Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960.

6. Hand Delivery or Courier. Deliver your comments to: Nacosta C. Ward, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, 12th floor, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. 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 to 4:30, excluding Federal holidays.

**Instructions:** Direct your comments to RME ID No. R04-OAR-2003-SC-0001. 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://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.

**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 Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Nacosta C. Ward, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. The telephone number is (404) 562-9140. Ms. Ward can also be reached via electronic mail at [ward.nacosta@epa.gov](mailto:ward.nacosta@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Analysis of State's Submittal**

On September 4, 2002 and July 25, 2003, the South Carolina Department of Health and Environmental Control submitted revisions to the South Carolina State Implementation Plan. These revisions pertain to source testing requirements for all affected source owners or operators and source testers. The purpose of these revisions is to restore accuracy and completeness of the regulations incorporated by reference into the SIP and to clarify language specifying authorization for proposing alternate test methods.

##### *Description of Revisions Submitted as of September 4, 2002*

a. The title of Regulation 61-62.1 is being changed to "Definitions and General Requirements" to identify that the regulation contains general provisions.

b. Section IV—Source Tests, is being added to Regulation 61-62.1. Regulation 61-62.5, Standard No. 1, Section VII—Source Test Requirements and Standard No. 4, Section XIII—Source Test Requirements are being incorporated into Regulation 61-62.1, Section IV—Source Tests. Regulation 61-62.5, Standard No. 1, Section VII and Standard No. 4, Section XIII are being reserved for future use. Other amendments to Regulation 61-62.1 specify requirements for site-specific

test plans including: a detailed discussion of the test objectives, accessibility and representativeness of sampling locations, process descriptions, in-house testing protocol, all sampling and analytical procedures, internal quality assurance/quality control, data reduction and reporting procedures, and safety considerations.

c. Amendments were made to Regulation 61-62.1, Section II—Permit Requirements and Regulation 61-62.5, Standard No. 1, Section VI—Periodic Testing to specify that the responsible official for ensuring the performance of source tests is an owner or operator of stationary sources and to provide a requirement for sources to comply with the new source test section, 61-62.1 Section IV—Source Tests.

d. Typographical corrections and clarifications were made to Regulation 61-62.5 for formatting consistency.

##### *Description of Revisions Submitted as of July 25, 2003*

e. Regulation 61-62.1 Definitions and General Requirements, Section IV—Source Tests is being amended to clarify the language concerning alternate methods of source testing. These revisions address the comments received during the comment period.

f. The words "Section I" were removed from Section II—Permit Requirements for formatting consistency with Regulation 61-62.5, Standard No. 7.

##### **II. Final Action**

EPA is approving the aforementioned changes to the State of South Carolina SIP because they are consistent with the CAA and EPA policy. The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective October 12, 2004, without further notice unless the Agency receives adverse comments by September 9, 2004.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments

are received, the public is advised that this rule will be effective on October 12, 2004, and no further action will be taken on the proposed rule. 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, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

##### **III. 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 Clean Air Act. 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 Clean Air 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 Clean Air 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 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 October 12, 2004. 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, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping

requirements, Sulfur oxides, Volatile organic compounds.

Dated: July 27, 2004.

**A. Stanley Meiburg,**  
*Acting Regional Administrator, Region 4.*

■ Chapter I, title 40, 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 PP—South Carolina**

- 2. Section 52.2120(c) is amended:
  - (a) by revising the entry for “Regulation No. 62.1.”
  - (b) under Regulation No. 62.1, by revising the entry for “Section II” and adding the entry for “Section IV.”
  - (c) under Regulation 62.5, Standard No. 1, by revising the entries for “Section VI” and “Section VII.”
  - (d) under Regulation 62.5, Standard No. 4, by revising the entries for “Section XII” and “Section XIII.”
  - (e) under Regulation 62.5, Standard No. 5, Section I, by adding the entry for “Part E.”

**§ 52.2120 Identification of plan.**

\* \* \* \* \*  
(c) \* \* \*

**AIR POLLUTION CONTROL REGULATIONS FOR SOUTH CAROLINA**

State citation	Title/subject	State effective date	EPA approval date	Federal Register Notice
<b>Regulation No. 62.1, Definitions and General Requirements</b>				
Regulation No. 62.1 .....	Definitions and General Requirements .....	06/26/98	8/10/04	[Insert citation of publication]
*	*	*	*	*
Section II .....	Permit Requirements .....	06/27/03	08/10/04	[Insert citation of publication]
*	*	*	*	*
Section IV .....	Source Tests .....	06/27/03	08/10/04	[Insert citation of publication]
*	*	*	*	*
<b>Regulation No. 62.5, Air Pollution Control Standards</b>				
<b>Standard No. 1, Emission From Fuel Burning Operations</b>				
*	*	*	*	*
Section VI .....	Periodic Testing .....	06/26/98	08/10/04	[Insert citation of publication]
Section VII .....	Reserved .....			

AIR POLLUTION CONTROL REGULATIONS FOR SOUTH CAROLINA—Continued

State citation	Title/subject	State effective date	EPA approval date	Federal Register Notice
*	*	*	*	*
<b>Standard No. 4, Emission From Process Industries</b>				
*	*	*	*	*
Section XII .....	Periodic Testing .....	06/26/98	08/10/04	[Insert citation of publication]
Section XIII .....	Reserved .....			
<b>Standard No. 5, Volatile Organic Compounds</b>				
<b>Section I, General Provisions</b>				
Part E .....	Volatile Organic Compound Compliance Testing .....	06/26/98	08/10/04	[Insert citation of publication]
*	*	*	*	*

\* \* \* \* \*

[FR Doc. 04-18139 Filed 8-9-04; 8:45 am]  
 BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 300**  
**[FRL-7799-3]**

**National Oil and Hazardous Substance Pollution Contingency Plan National Priorities List**

**AGENCY:** Environmental Protection Agency.  
**ACTION:** Direct Final Notice of Deletion of the San Fernando Valley Basin Area 3, Verdugo Study Area Superfund Site from the National Priorities List (NPL).

**SUMMARY:** The Environmental Protection Agency (EPA) Region IX, is publishing this Direct Final Notice of Deletion for the San Fernando Valley Basin Area 3, Verdugo Study Area Superfund Site (Site). The Site is in the eastern portion of the San Fernando Valley Basin in Los Angeles, California.

The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is Appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The NCP sets criteria that must be met to delete a site from the NPL. EPA, in consultation with the State of California, has determined that this Site meets the following criterion for site deletion: "The remedial investigation has shown that the release poses no

significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate." This deletion does not preclude future actions under Superfund, based on new information or conditions.

**DATES:** Because this deletion is considered to be noncontroversial, to streamline the deletion process EPA is publishing the Notice of Intent to Delete in the **Federal Register** concurrent with this Direct Final Notice of Deletion. This Direct Final Notice of Deletion will be effective October 12, 2004 without any further EPA action, unless EPA receives adverse comment(s) on the Notice of Intent to Delete by September 9, 2004. If adverse comment(s) are received, EPA will publish a timely withdrawal of the Direct Final Notice of Deletion before it takes effect. EPA will, as appropriate, prepare a response to comments and continue with the deletion process on the basis of the notice of intent to delete and the comments already received. There will be no additional opportunity to comment.

**ADDRESSES:** Comments may be mailed to Jackie Lane, Community Involvement Coordinator, U.S. EPA Region IX (SFD-3), 75 Hawthorne Street, San Francisco, California 94105, (415) 972-3236.

**FOR FURTHER INFORMATION CONTACT:** Charnjit Bhullar, Remedial Project Manager, U.S. EPA Region IX (SFD 7-1), 75 Hawthorne Street, San Francisco, California 94105, (415) 972-3960.

**Information Repositories:** Information supporting the deletion is available in the Deletion Docket at the EPA Region IX Records Center and detailed Site information is available at the Information Repositories listed below:

U.S. EPA Superfund Record Center, 95 Hawthorne Street, San Francisco, California 94105-3901, (415) 536-2000, La Canada Library, 4545 Oakwood Ave., La Canada, CA 91011, (818) 952-0603.  
 Los Angeles Department of Water and Powers, 111 North Hope Street, Rm. 516, Los Angeles, CA 90012, (213) 367-1995.  
 Glendale Public Library, 222 East Harvard Street, Glendale, CA 91205, (818) 548-2021.

**SUPPLEMENTARY INFORMATION:**

- Table of Contents**
- I. Introduction
  - II. NPL Deletion Criteria
  - III. Deletion Procedures
  - IV. Basis for Site Deletion
  - V. Deletion Action

**I. Introduction**

EPA Region IX is publishing this Direct Final Notice of Deletion from the NPL for the San Fernando Valley Basin Area 3, Verdugo Study Area Superfund Site. EPA identifies sites that appear to present a significant risk to public health or the environment and maintains the NPL as the list of those sites. As described in § 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for remedial actions if conditions at a deleted site or new information warrant such action.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the San Fernando Valley Basin Area 3, Verdugo Study Area Superfund Site and demonstrates how it meets the deletion criteria. Section V discusses EPA's action to delete the Site from the NPL unless adverse comments