

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 82**

[FRL-7815-7]

**Protection of Stratospheric Ozone: Process for Exempting Critical Uses From the Phaseout of Methyl Bromide; Extension of Deadline To Request a Hearing, New Hearing Date, and New Deadline for Submission of Comments****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule; extension of comment deadline; and new hearing date.

**SUMMARY:** With this document, EPA is advising individuals of an extension of the deadline to request a hearing, of the new hearing date, and of the revised deadline for submitting comments to the Agency on the notice of proposed rulemaking (NPRM) entitled "Protection of Stratospheric Ozone: Process for Exempting Critical Uses from the Phaseout of Methyl Bromide" published in the **Federal Register** on August 25, 2004 (69 FR 52366). At the request of members of the public, EPA has extended the date for the hearing and has scheduled a hearing to take place on Monday, September 20th in Washington, DC at EPA headquarters, 1201 Constitution Avenue (EPA East), Room 1153 from 1-5 p.m. The revised deadline for submitting comments on the NPRM therefore will change from Tuesday, October 12th to Thursday, October 21st.

The proposed exemption to the phaseout of methyl bromide for critical uses is allowed under section 604 of the Clean Air Act (CAA) and the *Montreal Protocol on Substances that Deplete the Ozone Layer* ("Montreal Protocol").

**DATES:** The new deadline to request a hearing is September 17, 2004. A hearing has been requested and is scheduled to take place on September 20, 2004. The revised deadline to submit comments on the NPRM to the Agency is October 21, 2004.

**FOR FURTHER INFORMATION CONTACT:** For further information about the hearing, contact Hodayah Finman by telephone at (202) 343-9246, or by e-mail at [finman.hodayah@epa.gov](mailto:finman.hodayah@epa.gov), or by mail at Hodayah Finman, U.S. Environmental Protection Agency, Stratospheric Protection Division, Stratospheric Program Implementation Branch (6205J), 1200 Pennsylvania Avenue, NW., Washington, DC, 20460. Overnight or courier deliveries should be sent to 1310 L Street, NW., Washington, DC,

20005, Attn: Hodayah Finman at 343-9410. You may also visit the methyl bromide phaseout web site of EPA's Stratospheric Protection Division at <http://www.epa.gov/ozone/mbr> for further information about the critical use exemption.

Dated: September 14, 2004.

**Drusilla Hufford,***Director, Stratospheric Protection Division.*

[FR Doc. 04-21053 Filed 9-17-04; 11:35 am]

**BILLING CODE 6560-50-P****ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[R04-OAR-2004-NC-0002-200417(b); FRL-7815-8]

**Approval and Promulgation of Implementation Plans; North Carolina: Raleigh/Durham Area and Greensboro/Winston-Salem/High Point Area Maintenance Plan Updates****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

**SUMMARY:** The EPA is proposing to approve the State Implementation Plan (SIP) revision submitted by the North Carolina Department of Environment and Natural Resources on June 4, 2004. This SIP revision satisfies the requirement of the Clean Air Act (CAA) for the second 10-year update for the Raleigh/Durham area (Durham and Wake Counties and a portion of Granville County) and Greensboro/Winston-Salem/High Point area (Davidson, Forsyth, and Guilford Counties and a portion of Davie County) 1-hour ozone maintenance plans.

In the Final Rules section of this **Federal Register**, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no significant, material, and adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

**DATES:** Written comments must be received on or before October 20, 2004.

**ADDRESSES:** Comments may be submitted by mail to: Rosymar De La Torre Colón, 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. Comments may also be submitted electronically, or through hand delivery/courier. Please follow the detailed instructions described in the direct final rule, **ADDRESSES** section, which is published in the Rules Section of this **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Rosymar De La Torre Colón, 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, (404) 562-8965, [delatorre.rosymar@epa.gov](mailto:delatorre.rosymar@epa.gov), or Matt Laurita, Air Quality Modeling and Transportation 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, (404) 562-9044, [laurita.matthew@epa.gov](mailto:laurita.matthew@epa.gov).

**SUPPLEMENTARY INFORMATION:** For additional information see the direct final rule which is published in the Rules section of this **Federal Register**.

Dated: September 8, 2004.

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

[FR Doc. 04-21061 Filed 9-17-04; 8:45 am]

**BILLING CODE 6560-50-P****ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 112**

[OPA-2004-0007; FRL-7810-5]

RIN 2050-AF11

**Oil Pollution Prevention and Response; Non-Transportation-Related Onshore and Offshore Facilities****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of data availability (NODA) and request for comments.

**SUMMARY:** This document announces the availability of information we have acquired that might be relevant to determining whether alternate regulatory requirements are appropriate for facilities under the Clean Water Act that handle oil below a certain threshold amount ("certain facilities"). We are

making this information available for public review and comment as part of our process of considering possible streamlined approaches that would ensure protection of human health and the environment from oil spills occurring at such facilities.

In addition to this document, the EPA is also publishing in today's **Federal Register** a Notice of Data Availability concerning facilities with oil-filled and process equipment.

**DATES:** Written comments must be received by November 19, 2004.

**ADDRESSES:** Submit your comments, identified by Docket ID No. OPA-2004-0007, by one of the following methods:

I. *Federal Rulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

II. *Agency Web site:* <http://www.epa.gov/edocket> EDOCKET, EPA's electronic public and comment system, is EPA's preferred method for receiving comments. Follow the on-line instructions for submitting comments.

III. *Mail:* The docket for this rulemaking is located in the EPA Docket Center at 1301 Constitution Ave., NW., EPA West, Suite B-102, Washington, DC 20460. The docket number for the proposed rule is OPA-2004-0007. The docket is contained in the EPA Docket Center and is available for inspection by appointment only, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding legal holidays. You may make an appointment to view the docket by calling 202-566-0276.

IV. *Hand Delivery:* Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. OPA-2004-0007. 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.epa.gov/edocket>, 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 EDOCKET, regulations.gov or e-mail. The EPA EDOCKET and federal regulations.gov websites 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 EDOCKET 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 docket are listed in the EDOCKET index at <http://www.epa.gov/edocket>. 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 EDOCKET or in hard copy at the EPA Docket, EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number to make an appointment to view the docket is (202) 566-0276.

**FOR FURTHER INFORMATION CONTACT:** For general information, contact the RCRA/CERCLA Call Center at 800-424-9346 or TDD 800-553-7672 (hearing impaired). In the Washington, DC, metropolitan area, call 703-412-9810 or TDD 703-412-3323. For more detailed information on specific aspects of this notice, contact Hugo Paul Fleischman at 703-603-8769

([fleischman.hugo@epa.gov](mailto:fleischman.hugo@epa.gov)); or Mark W. Howard at 703-603-8715 ([howard.markw@epa.gov](mailto:howard.markw@epa.gov)), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460-0002, Mail Code 5203G.

#### **SUPPLEMENTARY INFORMATION:**

#### **What Should I Consider as I Prepare My Comments for EPA?**

You may find the following suggestions helpful for preparing your comments:

1. Explain your views fully and clearly.

2. Describe in detail and explain all assumptions you used.

3. Provide all technical information, data, and analyses you used to support your views.

4. If you estimate potential burden or costs, provide all data and analyses that you used to arrive at your estimate.

5. Provide specific examples to illustrate all your concerns.

6. Make sure to submit your comments by the comment period deadline identified.

7. To ensure proper receipt by EPA, identify the appropriate docket identification number in the subject line on the first page of your response. It would also be helpful if you provided the name, date, and **Federal Register** citation related to your comments.

**Statutory Authority:** 33 U.S.C. 1251 *et seq.*; 33 U.S.C. 2720; E.O. 12777 (October 18, 1991), 3 CFR, 1991 Comp., p. 351

*Background:* On July 17, 2002, EPA published a final rule amending the Oil Pollution Prevention regulation (40 CFR part 112) promulgated under the authority of the Clean Water Act. This rule included requirements for Spill Prevention, Control, and Countermeasure (SPCC) Plans, and for Facility Response Plans (FRPs). It also included new subparts outlining the requirements for various classes of oil; revising the applicability of the regulation; amending the requirements for completing SPCC Plans; and made other modifications. (See 67 FR 47042.) The rule was effective on August 16, 2002. The compliance dates in 40 CFR 112.3(a) and (b) have been extended several times. See 69 FR 48794, August 11, 2004 for further discussion on the compliance extensions.

*Today's NODA:* EPA is considering an initiative that would provide more focused regulation for certain facilities. To assist the Agency in this effort, we are making available to the public a number of documents for review and comment to help inform us as to what measures, if any, we should consider. We believe that as long as protection of human health and the environment is maintained, we should consider alternatives/options that accomplish the stated objectives of the applicable statutes and minimize impacts of the requirement. The documents being made available today for comment describe possible streamlined alternatives that could replace parts of existing regulations for certain facilities. Because this approach may have merit, we are very interested in your comments. Specifically, we are interested in receiving any evidence, including data and analyses, related to

claims made within the documents. In order for the data you submit to be considered in making a determination, the data should be collected, transported, and analyzed under the proper quality assurance and quality control protocols as described at <http://www.epa.gov/quality/>.

**Data Available for Comment:** The documents available for comment today can be found at <http://www.epa.gov/oilspill> under the title "Notice of Data Availability for Certain Facilities" in the EDOCKET index at <http://www.epa.gov/edocket>. These documents include relevant portions of a June 10, 2004 letter from the U.S. Small Business Administration's Office of Advocacy to Thomas P. Dunne, Acting Assistant Administrator for the Office of Solid Waste and Emergency Response of the U.S. Environmental Protection Agency; relevant sections of a background document, *Proposed Reforms to the SPCC Professional Engineer Certification Requirement: Designing a More Cost Effective Approach for Small Facilities*; and additional documents submitted by members of the agricultural industry and other industry stakeholders.

**Request for Comments:** We believe that affected parties should be given an opportunity to participate in the Agency's process of considering whether possible streamlined approaches are appropriate. We are especially interested in data relating to the regulatory approaches described in the documents available for your review today. We are listing the following areas, which are discussed in the documents available to you today, as examples of the kinds of data we request be submitted.

- 1—Data to support development of criteria (e.g. facility oil capacity, activity, etc.) to define a threshold for streamlined requirements for "certain facilities."
- 2—Spill rates for facilities handling oil in various amounts.
- 3—Cost differences for preparation and professional engineer certification for the SPCC Plan related to size of facility or amount of oil handled.
- 4—SPCC compliance rates for facilities handling oil in various amounts.

The Agency is soliciting comments only on the data referenced in this NODA; we are not soliciting comments in this NODA on any other topic. The data may be found at Docket No. OPA-2004-0007 (<http://www.epa.gov/edocket>), and on our Web site (i.e., <http://www.epa.gov/oilspill>).

Dated: August 30, 2004.

**Thomas P. Dunne,**

*Acting Assistant Administrator, Office of Solid Waste and Emergency Response.*

[FR Doc. 04-21065 Filed 9-17-04; 8:45 am]

**BILLING CODE 6560-50-P**

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 112**

**[OPA-2004-0008; FRL-7810-4]**

**RIN 2050-AF11**

### **Oil Pollution Prevention and Response; Non-Transportation-Related Onshore and Offshore Facilities**

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

**ACTION:** Notice of data availability (NODA) and request for comments.

**SUMMARY:** This document announces the availability of information that might be relevant to determining whether alternate regulatory requirements for facilities with oil-filled and process equipment under the Clean Water Act would be appropriate. We are making this information available for public review and comment as part of our process of considering possible streamlined approaches that would ensure protection of human health and the environment from oil spills occurring at facilities with such oil-filled and process equipment.

In addition to this document, the EPA is also publishing in today's **Federal Register** a Notice of Data Availability concerning facilities that handle oil below a certain threshold amount.

**DATES:** Written comments must be received by November 19, 2004.

**ADDRESSES:** Submit your comments, identified by Docket ID No. OPA-2004-0008, by one of the following methods:  
*I. Federal Rulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

*II. Agency Web site:* <http://www.epa.gov/edocket>. EDOCKET, EPA's electronic public and comment system, is EPA's preferred method for receiving comments. Follow the on-line instructions for submitting comments.

*III. Mail:* The docket for this rulemaking is located in the EPA Docket Center at 1301 Constitution Ave., NW., EPA West, Suite B-102, Washington, DC 20460. The docket number for the proposed rule is OPA-2004-0008. The docket is contained in the EPA Docket Center and is available for inspection by appointment only, between the hours of 8:30 a.m. and 4:30 p.m., Monday

through Friday, excluding legal holidays. You may make an appointment to view the docket by calling 202-566-0276.

*IV. Hand Delivery:* Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to Docket ID No. OPA-2004-0008. 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.epa.gov/edocket>, 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 EDOCKET, [regulations.gov](http://www.regulations.gov) or e-mail. The EPA EDOCKET and federal [regulations.gov](http://www.regulations.gov) websites 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 EDOCKET or [regulations.gov](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 EDOCKET index at <http://www.epa.gov/edocket>. 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 EDOCKET or in hard copy at the EPA Docket, EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday,