

per year. The annual industry reporting and recordkeeping burden for this collection of information was 14,366 hours. On average, each respondent reported 3.1 times per year, and 83 hours were spent preparing each response. The annual reporting and recordkeeping cost burden in the previous ICR was \$564,000, which was comprised of capital/startup costs of \$43,000 and operation and maintenance costs of \$521,000.

(18) NESHAP for Solvent Extraction for Vegetable Oil Production (40 CFR part 63, subpart GGGG); EPA Preliminary ICR Number 1947.03; OMB Control Number 2060-0471; expiration date January 31, 2005.

*Affected Entities:* Sources potentially affected by this action are vegetable oil production plants.

*Abstract:* The National Emission Standards for Hazardous Air Pollutants (NESHAP) for vegetable oil production at 40 CFR part 63, subpart GGGG for vegetable oil production were promulgated on April 12, 2001.

This standard applies to any reconstructed, or new vegetable oil production process, which is defined as a group of continuous process equipment used to remove an oil from oilseeds through direct contact with an organic solvent such as n-hexane. The term oilseed refers to the following agricultural products: corn germ, cottonseed, flax, peanut, rapeseed (for example, canola), safflower, soybean, and sunflower. A vegetable oil production process is only subject to the regulation if it is a major source of hazardous air pollutant (HAP) emissions, or is collocated with other sources that are individually or collectively a major source of HAP emissions.

The source are subject to the General Provisions of the NESHAP at 40 CFR part 63, subpart A and any changes, or additions to the General Provisions specified at 40 CFR part 63, subpart GGGG. The solvent extraction for vegetable oil production standard requires each source to develop a plan for demonstrating compliance. On a monthly basis, sources must measure/record extraction solvent, and record the HAP content of the extraction solvent and oilseed inventories. Sources also develop a startup, shutdown, and malfunction plan to be followed during noncompliance events. Each source must submit initial and startup notifications. Sources must submit a compliance status notification 12 months after the compliance date and an annual compliance certification every subsequent 12 months.

*Burden Statement:* In the previously approved ICR, the estimated number of respondents for this information collection was 75 with 75 responses per year. The annual industry reporting and recordkeeping burden for this collection of information was 10,092 hours. On average, each respondent reported once per year and 135 hours per spent preparing each response. There were no capital/startup costs or operation and maintenance costs associated with continuous emission monitoring in the previous ICR.

Dated: May 18, 2004.

**Michael M. Stahl,**

*Director, Office of Compliance.*

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**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7667-2]

### EPA Region III Comprehensive Environmental Response, Compensation and Liability Act Program; Transfer of Information to Contractors and Subcontractors

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

**ACTION:** Notice.

**SUMMARY:** EPA Region III intends to authorize certain contractors and subcontractors access to information submitted to EPA under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"). Some of this information may be claimed or determined to be confidential business information (CBI).

**DATES:** Contractor access to this information will occur June 24, 2004. Comments concerning CBI access will be accepted for thirty days from May 25, 2004.

**FOR FURTHER INFORMATION CONTACT:** Ben Mykijewycz (3HS42), Chief Contracts, ADP and State Support Section, EPA Region III (215) 814-3351.

**SUPPLEMENTARY INFORMATION:** The contractor and subcontractors listed below will provide certain services to EPA Region III, including; (1) information management support services for the operation of a file room and an administrative records room in Philadelphia, Pennsylvania; (2) compilation and organization of documents and information; and (3) review and analysis of documents and information. In performing these tasks, employees of the contractors and subcontractors listed below will have

access to Agency documents for purposes of document processing, filing, abstracting, analyzing, inventorying, retrieving, tracking, etc. The documents to which these contractors and subcontractors will have access potentially include all document submitted under the CERCLA. Some of these documents may contain information claimed as CBI.

Pursuant to EPA regulations at 40 CFR part 2, subpart B, EPA has determined that these contractors and subcontractors require access to CBI to perform the work required under the contracts and subcontracts. These regulations provide for five days notice before contractors are given CBI. This notice is intended to provide notice of all disclosures of such information by EPA Region III to the contractors and subcontractors listed below.

All of the listed contractors and subcontractors are required by contract to protect confidential information. When the contractors' and subcontractors' need for the documents is completed, the contractors and subcontractors will return them to EPA. The contractors and subcontractors to which this notice applies are as follows:

#### List of Contractors That May Review Your Response

Chenega Technical Products

- Contract # EP-S3-04-01
- Tetra Tech EM, Inc.—
- Contract #68S3-0002

Subcontractor to Tetra Tech EM, Inc. is: Eagle Instruments, Inc.

- Ecology and Environment, Inc.—
- Contract #68-S3-001

Subcontractor to Ecology and Environment, Inc. is: S & S Engineers, Inc.

- IT Corporation—

- Contract #68-S3-00-06

Subcontracts to IT Corporation are: Weavertown Environmental Group Environmental Restoration Company

- Earth Tech, Inc.—
- Contract #68-S3-00-07

Subcontractors to Earth Tech, Inc. are: Industrial Marine Services, Inc.

Cline Oil  
Hertz Equipment Rental

- Tetra Tech NUS Inc.—

Contract #68-S6-3003

Subcontractors to Tetra Tech NUS Inc. are:

Gannett Fleming, Inc.  
Dynamic Corporation  
C.C. Johnson & Malhotra, P.C.

- CDM—Federal Programs Corporation—
- Contract #68-S7-3003

Subcontractors to CDM—Federal Programs Corporation are:

Tetra Tech EM, Inc.  
Robert Kimball & Associates  
PMA & Associates  
Horne Engineering  
Pacific Environmental Services

- Black and Veatch Waste Science and Technology Corporation/Tetra Tech, Inc.—  
Contract #68–S7–3002  
Subcontractor:  
Enviro Consultants Group
- Tech Law, Inc.—  
Contract #68–W–00–108
- WRS Infrastructure & Environment, Inc.—  
Contract #68–S3–03–02
- Kemron Environmental Services—  
Contract #68–S3–03–05
- ASRC Aerospace Corp.—  
Contract #68–W–01–02
- Industrial Marine Services, Inc.  
Contract #68–S3–03–03
- Guardian Environmental Services, Inc.  
68–S3–03–04

#### List of Inter-Agency Agreements

- General Services Administration  
CERCLA File Room  
Contractor: Booz-Allen & Hamilton
- General Services Administration  
Spectron Superfund Site  
Contractor: Booz-Allen & Hamilton
- General Services Administration  
Breslube Penn Superfund Site  
Contractor: Booz-Allen & Hamilton

#### List of Cooperative Agreements

- National Association of Hispanic Elderly  
(Senior Environmental Employment)—  
#CQ–822511
- AARP Foundation (Senior Environmental  
Employment)—#823952

Dated: May 14, 2004.

**Peter W. Schaul,**

*Acting Division Director, Hazardous Site  
Cleanup Division.*

[FR Doc. 04–11774 Filed 5–24–04; 8:45 am]

**BILLING CODE 6560–50–M**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL–7666–7]

### Notice Concerning Certain Issues Pertaining to the July 2002 Spill Prevention, Control, and Countermeasure (SPCC) Rule

**AGENCY:** Environmental Protection  
Agency.

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) has partially settled litigation over the Spill Prevention, Control, and Countermeasure (SPCC) rule. This notice provides clarifications developed by the Agency during the course of settlement proceedings. It also announces the availability of a letter issued by EPA's Office of Solid Waste and Emergency Response (OSWER) to the Petroleum Marketers Association of America (PMAA) on our website, *i.e.*, [epa.gov/oilspill](http://epa.gov/oilspill), or by contacting the

docket as described below under

#### ADDRESSES.

**ADDRESSES:** EPA has established a docket for this action under Docket: OPA–2004–0002. 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 Center EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. and 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 for the EPA Docket is (202) 566–0276.

#### FOR FURTHER INFORMATION CONTACT:

Hugo Paul Fleischman, Oil Program Staff, U.S. EPA, at 703–603–8769 ([fleischman.hugo@epa.gov](mailto:fleischman.hugo@epa.gov)); or the RCRA/Superfund Hotline at 800–424–9346 (in the Washington, DC metropolitan area, 703–412–9810) ([epahotline@bah.com](mailto:epahotline@bah.com)). The Telecommunications Device for the Deaf (TDD) Hotline number is 800–553–7672 (in the Washington, DC metropolitan area, 703–412–3323). You may wish to visit the Oil Program's Internet site at <http://www.epa.gov/oilspill>.

#### SUPPLEMENTARY INFORMATION:

##### I. General

*How Can I Get Copies of the Background Materials Supporting Today's Notice or Other Related Information?*

EPA will publish this document, as well as the letter from OSWER to PMAA described more fully below, on its Web site, <http://epa.gov/oilspill>, and has already posted the settlement agreement on that Web site. Alternatively, contact the docket as described above under **ADDRESSES**. You may access this **Federal Register** document electronically through the EPA Internet under the “**Federal Register**” listings at <http://www.epa.gov/fedrgstr>.

##### II. Background

**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.

#### Litigation

On July 17, 2002, EPA published a final rule (67 FR 47042), amending the SPCC regulation. Several members of the regulated community filed legal challenges to certain aspects of the rule. *See American Petroleum Institute v. Leavitt et al.*, No. 1;102CV02247 PLF and consolidated cases (D.D.C. filed November 14, 2002).<sup>1</sup>

Settlement discussions between EPA and the plaintiffs have led to an agreement on all issues except one. In this notice, we are publishing clarifications developed by the Agency during the course of settlement proceedings (and which provided the basis for the settlement agreement) regarding the SPCC regulation to the regulated community and other interested parties. We are also notifying the public of the availability of OSWER's letter to PMAA referenced above, on our Web site, <http://epa.gov/oilspill>, and through the docket, as described above.

#### III. Clarifications

##### “Loading Racks”

Plaintiffs challenged certain statements made in the preamble to the July 2002 SPCC amendments (and the response-to-comment document) concerning the “loading/unloading rack” requirements under 40 CFR 112.7(h). That provision addresses specific SPCC requirements for tank car and tank truck loading and unloading racks, including requirements for secondary containment. The preamble language at issue, which appears at 67 FR 47110 (July 17, 2002), stated the following:

*This section is applicable to any non-transportation-related or terminal facility where oil is loaded or unloaded from or to a tank car or tank truck. It applies to containers which are aboveground (including partially buried tanks, bunkered tanks, or vaulted tanks) or completely buried (except those exempted by this rule), and to all facilities, large or small. All of these facilities have a risk of discharge from transfers. (Emphasis added.)*

The Agency did not intend with the emphasized language to interpret the term “loading/unloading rack.” Instead, the Agency was responding generally to a variety of comments each asking that their specific situation not be subject to the 40 CFR 112.7(h) requirements. The reasoning of these commenters did not focus specifically on the contours of what might be considered a loading/unloading rack, but instead focused on

<sup>1</sup>Lead plaintiffs in the cases were the American Petroleum Institute, Marathon Oil Co., and the Petroleum Marketers Association of America.