

*Airspace Designations and Reporting Points*, dated August 30, 2004, and effective September 16, 2004, is to be amended as follows:

\* \* \* \* \*

*Paragraph 6005 Class E airspace extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

#### **AAL AK E5 Golovin, AK [New]**

Golovin Airport, AK

(Lat. 64°33'02" N., long. 163°00'26" W.)

That airspace extending upward from 700 feet above the surface within a 7.4-mile radius of the Golovin Airport, and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of 64°43'47" N 163°15'17" W and a 30-mile radius of 64°17'57" N 163°01'41" W excluding that airspace within Nome E airspace.

\* \* \* \* \*

Issued in Anchorage, AK, on June 16, 2005.

**Michael A. Tarr,**

*Acting Area Director, Alaska Flight Services Area Office.*

[FR Doc. 05-12560 Filed 6-23-05; 8:45 am]

**BILLING CODE 4910-13-P**

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 52**

[R03-OAR-2005-PA-0014; FRL-7927-6]

#### **Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Control of VOC Emissions From Aerospace, Mobile Equipment, and Wood Furniture Surface Coating Applications for Allegheny County**

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve a revision to the Allegheny County portion of the Commonwealth of Pennsylvania State Implementation Plan (SIP). This revision, submitted by the Pennsylvania Department of Environmental Protection (PADEP) on behalf of the Allegheny County Health Department (ACHD), establishes standards and requirements to control volatile organic compounds (VOCs) emissions from aerospace, mobile equipment, and wood furniture surface coating applications, and modifies existing regulations for general and specific coating processes. This revision updates the ACHD's regulations to make them consistent with the Commonwealth's SIP-approved regulations regarding the affected

surface coating processes. In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A more detailed description of the state submittal and EPA's evaluation are included in a Technical Support Document (TSD) prepared in support of this rulemaking action. A copy of the TSD is available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document. If no adverse comments are received in response to this action, 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 proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

**DATES:** Comments must be received in writing by July 25, 2005.

**ADDRESSES:** Submit your comments, identified by Regional Material in EDocket (RME) ID Number R03-OAR-2005-PA-0014 by one of the following methods:

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

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

C. E-mail: [campbell.dave@epa.gov](mailto:campbell.dave@epa.gov).

D. Mail: R03-OAR-2005-PA-0014, David Campbell, Chief, Air Quality Planning Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

E. Hand Delivery: At the previously-listed EPA Region III address. 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 RME ID No. R03-OAR-2005-PA-0014. 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.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://www.regulations.gov) or e-mail. The EPA RME and the Federal [regulations.gov](http://www.regulations.gov) websites are an "anonymous access" system, 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://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 electronic docket are listed in the RME index at <http://www.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 during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Allegheny County Health Department, Bureau of Environmental Quality, Division of Air Quality, 301 39th Street, Pittsburgh, Pennsylvania 15201.

**FOR FURTHER INFORMATION CONTACT:** Ellen Wentworth, (215) 814-2034, or by e-mail at [wentworth.ellen@epa.gov](mailto:wentworth.ellen@epa.gov).

**SUPPLEMENTARY INFORMATION:** For further information, please see the information provided in the direct final action, pertaining to the Control of VOC Emissions from Aerospace, Mobile Equipment, and Wood Furniture Surface Coating Applications for Allegheny County, that is located in the "Rules and Regulations" section of this **Federal Register** publication.

Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

Dated: June 15, 2005.

**Donald S. Welsh,**

*Regional Administrator, Region III.*

[FR Doc. 05-12582 Filed 6-23-05; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 261

[SW-FRL-7925-2]

#### Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Proposed Amendment

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed amendment and request for comment.

**SUMMARY:** The Environmental Protection Agency (EPA, also "the Agency" or "we" in this preamble) is proposing to modify an exclusion (or "delisting") from the lists of hazardous waste previously granted to Nissan North America, Inc. (Nissan) in Smyrna, Tennessee.

This action responds to a petition for amendment submitted by Nissan to increase the maximum annual volume covered by its current exclusion for a F019 listed hazardous waste.

The Agency is basing its tentative decision to grant the petition for amendment on an evaluation of specific information provided by the petitioner. This tentative decision, if finalized, would increase the annual volume of waste conditionally excluded from the requirements of the hazardous waste regulations under the Resource Conservation and Recovery Act (RCRA).

**DATES:** EPA is requesting public comments on this proposed amendment. We will accept comments on this proposal until August 8, 2005. Comments postmarked after the close of the comment period will be stamped "late." These late comments may not be considered in formulating a final decision.

Any person may request a hearing on this tentative decision to grant the petition for amendment by filing a request by July 11, 2005. The request must contain the information prescribed in 40 CFR 260.20(d).

**ADDRESSES:** Please send two copies of your comments to Daryl R. Himes, South Enforcement and Compliance Section, RCRA Enforcement and Compliance Branch, Waste Management Division, U.S. EPA Region 4, 61 Forsyth Street SW., Atlanta, GA, 30303. Comments may also be sent to Daryl R. Himes via email at [Himes.Daryl@epa.gov](mailto:Himes.Daryl@epa.gov).

Your request for a hearing should be addressed to Narindar M. Kumar, Chief, RCRA Enforcement and Compliance Branch, Waste Division, U.S. Environmental Protection Agency Region 4, Atlanta Federal Center, 61 Forsyth Street SW., Atlanta, Georgia 30303.

The RCRA regulatory docket for this proposed rule is located at the offices of U.S. EPA Region 4, 61 Forsyth Street SW., Atlanta, GA, 30303, and is available for your viewing from 8:30 a.m. to 5 p.m., Monday through Friday, except on Federal holidays. Please call Daryl R. Himes, at (404) 562-8614 for appointments. The public may copy material from the regulatory docket at \$0.15 per page.

**FOR FURTHER INFORMATION CONTACT:** For technical information concerning this document, please contact Daryl R. Himes at the address above or at (404) 562-8614.

**SUPPLEMENTARY INFORMATION:** The information in this section is organized as follows:

- I. Background
  - A. What Laws and Regulations Give EPA the Authority to Delist Waste?
  - B. What Waste is Currently Delisted at Nissan?
  - C. What Does Nissan Request in Its Petition for Amendment?
- II. Disposition of Petition for Amendment
  - A. What Information Did Nissan Submit To Support Its Petition for Amendment?
  - B. How Did EPA Evaluate Risk for the Original November 19, 2001, Petition and this Proposed Amendment?
  - C. What Conclusion Did EPA Reach?
- III. Conditions for Exclusion
  - A. What Are the Maximum Allowable Concentrations of Hazardous Constituents?
  - B. How Frequently Must Nissan Test the Waste and How Must It Be Managed Until It Is Disposed?
  - C. What Must Nissan Do If the Process Changes?
  - D. What Data Must Nissan Submit?
  - E. What Happens If Nissan Fails To Meet the Conditions of the Exclusion?
- IV. Effect on State Authorization
- V. Effective Date
- VI. Administrative Requirements
- VII. Public Comments
  - A. How May I as an Interested Party Submit Comments?
  - B. How May I Review the Docket or Obtain Copies of the Proposed Exclusions?

- VIII. Regulatory Impact
- IX. Regulatory Flexibility Act
- X. Paperwork Reduction Act
- XI. Unfunded Mandates Reform Act
- XII. Executive Order 13045
- XIII. Executive Order 13084
- XIV. National Technology Transfer and Advancements Act
- XV. Executive Order 13132 Federalism

## I. Background

### A. What Laws and Regulations Give EPA the Authority To Delist Waste?

EPA published amended lists of hazardous wastes from nonspecific and specific sources on January 16, 1981, as part of its final and interim final regulations implementing Section 3001 of RCRA. These lists have been amended several times, and are found at 40 CFR 261.31 and 261.32.

We list these wastes as hazardous because: (1) They typically and frequently exhibit one or more of the characteristics of hazardous wastes identified in Subpart C of 40 CFR Part 261 (*i.e.*, ignitability, corrosivity, reactivity, and toxicity), or (2) they meet the criteria for listing contained in 40 CFR 261.11(a)(2) or (a)(3).

Individual waste streams may vary, however, depending on raw materials, industrial processes, and other factors. Thus, while a waste that is described in these regulations generally is hazardous, a specific waste from an individual facility meeting the listing description may not be.

For this reason, 40 CFR 260.20 and 260.22 provide an exclusion procedure which allows a person to demonstrate that a specific listed waste from a particular generating facility should not be regulated as a hazardous waste, and should, therefore, be delisted.

According to 40 CFR 260.22(a)(1), in order to have these wastes excluded a petitioner must first show that wastes generated at its facility do not meet any of the criteria for which the wastes were listed. The criteria which we use to list wastes are found in 40 CFR 261.11. An explanation of how these criteria apply to a particular waste is contained in the background document for that listed waste.

In addition to the criteria that we considered when we originally listed the waste, we are also required by the provisions of 40 CFR 260.22(a)(2) to consider any other factors (including additional constituents), if there is a reasonable basis to believe that these factors could cause the waste to be hazardous.

In a delisting petition, the petitioner must demonstrate that the waste does not exhibit any of the hazardous waste characteristics defined in Subpart C of