

safety factors (including the potential increased risk of burn or fire) associated with compliance with the California standard” when considering any request from California to authorize the state to adopt or enforce standards or other requirements relating to the control of emission from new non-road spark-ignition engines smaller than 50 horsepower.⁸

When EPA receives new waiver or authorization requests from CARB, EPA traditionally publishes a notice of opportunity for public hearing and comment and then publishes a decision in the **Federal Register** following the public comment period. In contrast, when EPA receives within the scope waiver requests from CARB, EPA usually publishes a decision in the **Federal Register** and concurrently invites public comment if an interested party is opposed to EPA’s decision.

Although CARB in its April 11, 2005 letter to EPA seeks confirmation that its exhaust emission amendments are within the scope of previous authorizations, EPA invites comment on whether California’s exhaust emission standards and test procedures amendments, within the context of a within the scope analysis (a) Undermine California’s previous determination that its standards, in the aggregate, are at least as protective of public health and welfare as comparable Federal standards, (b) affect the consistency of California’s requirements with section 209 of the Act, and (c) raise new issues affecting EPA’s previous authorization determinations. EPA also asks comment on how safety factors, including the potential increased risk of burn or fire, are affected by the California standards. Please also provide comment that if CARB’s exhaust emission standards and test procedures amendments were not found to be within the scope of previous authorizations and instead required a full authorization analysis, whether (a) CARB’s determination that its standards, in the aggregate, are at least as protective of public health and welfare as applicable Federal standards is arbitrary and capricious, (b) California needs separate standards to meet compelling and extraordinary conditions, and (c) California’s standards and accompanying enforcement procedures are consistent with section 209 of the Act. EPA also asks comment on how safety factors, including the potential increased risk of burn or fire, are affected by the California standards.

EPA also invites comment on CARB’s evaporative emission standards and test procedures (for which CARB seeks a full authorization) and whether (a) CARB’s determination that its standards, in the aggregate, are at least as protective of public health and welfare as applicable federal standards is arbitrary and capricious, (b) California needs separate standards to meet compelling and extraordinary conditions, and (c) California’s standards and accompanying enforcement procedures are consistent with section 209 of the Act. EPA also asks comment on how safety factors, including the potential increased risk of burn or fire, are affected by the California standards.

Procedures for Public Participation

In recognition that public hearings are designed to give interested parties an opportunity to participate in this proceeding, there are no adverse parties as such. Statements by participants will not be subject to cross-examination by other participants without special approval by the presiding officer. The presiding officer is authorized to strike from the record statements that he or she deems irrelevant or repetitious and to impose reasonable time limits on the duration of the statement of any participant.

The Agency will make a verbatim record of the proceedings. Interested parties may arrange with the reporter at the hearing to obtain a copy of the transcript at their own expense. EPA will keep the record open until August 1, 2006. Upon expiration of the comment period, the Administrator will render a decision on CARB’s request based on the record of the public hearing, relevant written submissions, and other information that he deems pertinent. All information will be available for inspection at EPA Air Docket. (EPA-HQ-OAR-2005-0133).

Persons with comments containing proprietary information must distinguish such information from other comments to the greatest possible extent and label it as “Confidential Business Information” (CBI). If a person making comments wants EPA to base its decision in part on a submission labeled CBI, then a nonconfidential version of the document that summarizes the key data or information should be submitted for the public docket. To ensure that proprietary information is not inadvertently placed in the docket, submissions containing such information should be sent directly to the contact person listed above and not to the public docket. Information covered by a claim of confidentiality will be disclosed by EPA only to the

extent allowed and by the procedures set forth in 40 CFR part 2. If no claim of confidentiality accompanies the submission when EPA receives it, EPA will make it available to the public without further notice to the person making comments.

Dated: May 26, 2006.

William L. Wehrum,

Acting Assistant Administrator, Office of Air and Radiation.

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ENVIRONMENTAL PROTECTION AGENCY

[Regional Docket Nos. II-2003-02, II-2005-05; FRL-8179-2]

Clean Air Act Operating Permit Program; Petition for Objection to State Operating Permit for G-P Gypsum Corporation; and Request for Reconsideration of Order Regarding Eastman Kodak Company, Kodak Park Facility

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final decisions concerning State operating permits.

SUMMARY: This document announces two decisions the EPA Administrator has made. First, the Administrator has partially granted and partially denied a citizen petition submitted by the South Jersey Environmental Justice Alliance (SJEJA) requesting that EPA object to an operating permit issued to the G-P Gypsum Corporation by the New Jersey Department of Environmental Protection (NJDEP). Secondly, the Administrator has granted a request from the New York State Department of Environmental Conservation (NYSDEC) that EPA reconsider certain revisions to the Kodak Park Facility’s operating permit mandated by the Administrator’s February 18, 2005 Order, which was issued in response to a citizen petition. In granting NYSDEC(s) request, the Administrator has amended the February 18, 2005 Order. While some changes have been made, none of the Administrator’s previous issue-specific decisions to grant the Kodak Park petition have been reversed in the amendment.

Pursuant to section 505(b)(2) of the Clean Air Act (Act), Petitioner (SJEJA) may seek judicial review of those portions of the G-P Gypsum petition which EPA denied in the United States Court of Appeals for the appropriate circuit. Any petition for review shall be filed within 60 days from the date this

⁸ See Fiscal Year 2004 Omnibus Appropriations Act (Pub. L. 108-199 Division G Section 428).

notice appears in the **Federal Register**, pursuant to section 307 of the Act. The Administrator's action amending the February 18, 2005 Order on Kodak is not subject to judicial review, as no portions of the original citizen petition were denied.

ADDRESSES: You may review copies of the final order, the petition, and all relevant information at the EPA Region 2 Office, 290 Broadway, New York, New York 10007-1866. If you wish to examine these documents, you should make an appointment at least 24 hours before visiting day. Additionally, the final order for G-P Gypsum is available electronically at: <http://www.epa.gov/region07/programs/artd/air/title5/petitiondb/petitiondb2002.htm>, and the amended Kodak order is available electronically at: <http://www.epa.gov/region07/programs/artd/air/title5/petitiondb/petitiondb2003.htm>.

FOR FURTHER INFORMATION CONTACT: Steven Riva, Chief, Permitting Section, Air Programs Branch, Division of Environmental Planning and Protection, EPA, Region 2, 290 Broadway, 25th Floor, New York, New York 10007-1866, telephone (212) 637-4074.

SUPPLEMENTARY INFORMATION: The Act affords EPA a 45-day period to review, and object to as appropriate, operating permits proposed by State permitting authorities. Section 505(b)(2) of the Act authorizes any person to petition the EPA Administrator within 60 days after the expiration of this review period to object to State operating permits if EPA has not done so. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the State, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or the grounds for the issues arose after this period.

I. G-P Gypsum Corporation

On September 15, 2005, the EPA received a petition from SJEJA, requesting that EPA object to the issuance of the title V operating permit for G-P Gypsum based on the following allegations: (1) The draft permit was not accompanied by a statement of basis explaining various permitting decisions, particularly eight monitoring provisions that NJDEP added after the close of public comment; (2) the facility should have filed a compliance plan and the permit should have contained a compliance schedule; (3) the permit fails to address past violations; (4) the permit has inadequate monitoring and reporting provisions; (5) NJDEP failed to

ensure safe ambient air quality levels in the Camden area; and (6) NJDEP did not adequately address environmental justice issues.

On April 4, 2006, the Administrator issued an order partially granting and partially denying the petition on G-P Gypsum. The order explains the reasons behind EPA's conclusion that the NJDEP must re-issue the statement of basis to provide an explanation for the eight monitoring provisions added after the close of the public comment period. The order also explains the reasons for denying SJEJA's remaining claims.

II. Kodak Park

On August 16, 2005, the EPA received a letter from NYSDEC, requesting that EPA reconsider certain revisions to the Kodak Park Facility's operating permit, mandated by the Administrator's February 18, 2005 Order. This Order granted in part and denied in part a petition filed by the New York Public Interest Research Group, asking EPA to object to the Kodak Park Facility's operating permit. In its letter, NYSDEC sought reconsideration of EPA's objections for the following reasons: (1) The actual annual quantity of benzene in facility waste is very low compared to the permitted cap; (2) the standard test method for volatile organic compounds (VOC) in coatings and fountain solutions is burdensome and yields unreliable results, and actual VOC levels are low compared to permitted levels; and (3) frequent monitoring on several small cold cleaning units is overly burdensome.

On April 4, 2006, the Administrator issued an amended order, granting the request for reconsideration on Kodak Park. The amended Order explains the reasons behind EPA's decision to provide the NYSDEC with some flexibility in resolving EPA's February 18, 2005 objections regarding these three issues. The amended Order also explains why EPA believes there continue to be sufficient bases on which to grant the citizen petition on these issues.

Dated: May 22, 2006.

Alan J. Steinberg,

Regional Administrator, Region 2.

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ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-6675-8]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at 202-564-7167.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in the **Federal Register** dated April 7, 2006 (71 FR 17845).

Draft EISs

EIS No. 20060034, ERP No. D-NRC-F06028-MN, GENERIC—License Renewal of Nuclear Plants, Supplement 26 to NUREG 1437, Regarding Monticello Nuclear Generating Plant (TAC NO. MC6441) Renewal of Operating License DRP-22 for Additional 20-Years of Operation, Mississippi River, City of Monticello, Wright County, MN.

Summary: EPA expressed environmental concerns about radiological impacts and risk estimates, future up rates, spent fuel storage facilities, and abnormal effluent releases.

Rating EC2.

EIS No. 20060077, ERP No. D-COE-E36184-FL, Central and Southern Florida Project, New Authorization for Broward County Water Preserve Areas, South Florida Water Management District (SFWMD), Comprehensive Everglades Restoration Plan, (CERP), Broward County, FL.

Summary: EPA fully supports the restoration components of the project and its expedited implementation. EPA requested quantification of water quality benefits and an exotics management plan.

Rating EC1.

EIS No. 20060089, ERP No. DS-AFS-L65400-ID, West Gold Creek Project, Updated Information, Forest Management Activities Plan, Implementation, Idaho Panhandle National Forests, Sandpoints Ranger District, Bonner County, ID.

Summary: EPA expressed environmental concerns about the potential adverse impacts to water