

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA-HQ-OAR-2004-0357; FRL-8281-9]

RIN 2060-A003

**National Emission Standards for Hazardous Air Pollutants:
Shipbuilding and Ship Repair (Surface Coating) Operations**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule; notice of reopening of public comment period.

SUMMARY: Because EPA received adverse comments, we are withdrawing the direct final rule for the National Emission Standards for Hazardous Air Pollutants for Shipbuilding and Ship Repair (Surface Coating) Operations published on December 29, 2006. Additionally, this notice serves to reopen the public comment period for 60 days to facilitate the collection and submission of data by affected sources. This information will assist EPA in determining the appropriate course of action for addressing surface coating operations that are the subject of the direct final rule amendments.

DATES: As of **[INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]**, EPA withdraws the direct final rule published at 71 FR 78369 on December 29, 2006 and reopens the public comment period. Comments. Written comments must be

received on or before [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2002-0093, by one of the following methods:

- www.regulations.gov: Follow the on-line instructions for submitting comments.
- E-mail: a-and-r-docket@epa.gov and serageldin.mohamed@epa.gov.
- Fax: (202) 566-1741 and (919) 541-3470.
- Mail: U.S. Postal Service, send comments to: Air and Radiation Docket (6102T), 1200 Pennsylvania Avenue, NW, Washington, DC 20460. Please include a total of two copies.
- Hand Delivery: In person or by courier, deliver comments to: Air and Radiation Docket (6102T), EPA West, Room 334, 1301 Constitution Avenue, NW, Washington, DC 20004. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information. Please include a total of two copies.

We request that you also send a separate copy of each comment to the contact person listed below (**see FOR FURTHER INFORMATION CONTACT**).

Instructions: Direct your comments to Docket ID No. EPA-HQ-OAR-2004-0357, (Legacy No. A-92-11). EPA's policy is that all comments received will be included in the public docket without change and may be made available online at www.regulations.gov, 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 www.regulations.gov or e-mail. Send or deliver information identified as CBI only to the following address: Mr. Roberto Morales, OAQPS Document Control Officer, EPA (C404-02), Attention Docket ID No. EPA-HQ-OAR-2004-0357, (Legacy No. A-92-11), Research Triangle Park, NC 27711. Clearly mark the part or all of the information that you claim to be CBI.

The www.regulations.gov website is 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 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 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. For additional information about EPA's public docket, visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

Docket. All documents in the docket are listed in the www.regulations.gov index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in www.regulations.gov or in hard copy at the Air and Radiation Docket, Docket ID No. EPA-HQ-OAR-2002-0093, EPA West, Room 334, 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 for the EPA Docket Center is (202) 566-1742.

NOTE: The EPA Docket Center suffered damage due to flooding

during the last week of June 2006. The Docket Center is continuing to operate. However, during the cleanup, there will be temporary changes to Docket Center telephone numbers, addresses, and hours of operation for people who wish to make hand deliveries or visit the Public Reading Room to view documents. Consult EPA's Federal Register notice at 71 FR 38147 (July 5, 2006) or the EPA website at www.epa.gov/epahome/dockets.htm for current information on docket operations, locations, and telephone numbers. The Docket Center's mailing address for U.S. mail and the procedure for submitting comments to www.regulations.gov are not affected by the flooding and will remain the same.

FOR FURTHER INFORMATION CONTACT: Dr. Mohamed Serageldin, Environmental Protection Agency, Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Natural Resources and Commerce Group (E143-03), Research Triangle Park, NC 27711, telephone number (919) 541-2379, electronic mail address serageldin.mohamed@epa.gov.

SUPPLEMENTARY INFORMATION: Because EPA received adverse comment, we are withdrawing the direct final rule for the National Emission Standards for Hazardous Air Pollutants for Shipbuilding and Ship Repair (Surface Coating) Operations published on December 29, 2006 (71 FR 78369). We stated in that direct final rule that if we received adverse comment

by January 29, 2007, the direct final rule would not take effect and we would publish a timely withdrawal in the Federal Register. We subsequently received adverse comment on that direct final rule and are, therefore, withdrawing the rule. EPA is also reopening the public comment period for 60 days to afford affected sources an opportunity to collect and submit additional data. EPA will evaluate the comments received, including any data and other information, and will determine the appropriate course of action for addressing the activities at issue in the direct final rule.

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control,
Hazardous substances, Reporting and recordkeeping
requirements.

Dated: February 21, 2007.

Stephen L. Johnson,
Administrator.

The direct final amendments are withdrawn, accordingly, the amendments to the rule published on December 29, 2006 (71 FR 78369) are withdrawn as of **[INSERT DATE OF PUBLICATION OF THIS NOTICE IN THE FEDERAL REGISTER]**.