

\$100,000,000 or more in any one year. Though this proposed rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### Taking of Private Property

This proposed rule would not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

#### Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

#### Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

#### Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

#### Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

#### Environment

We have analyzed this proposed rule under Commandant Instruction

M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this proposed rule is categorically excluded, under figure 2–1, paragraph (32)(e) of the Instruction, from further environmental documentation. Under figure 2–1, paragraph (32)(e) of the Instruction, an "Environmental Analysis Check List" and a "Categorical Exclusion Determination" are not required for this proposed rule.

#### List of Subjects in 33 CFR Part 117

Bridges.

#### Regulations

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

#### PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; Department of Homeland Security Delegation No. 0170.1; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Add § 117.261(q) to read as follows:

#### § 117.261 Atlantic Intracoastal Waterway from St. Marys River to Key Largo.

\* \* \* \* \*

(q) *Hobe Sound Bridge (SR 708), mile 996.0, at Hobe Sound.* The draw shall open on signal; except that, from 7 a.m. to 6 p.m., the draw need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour.

\* \* \* \* \*

Dated: February 13, 2004.

**Harvey E. Johnson, Jr.,**

*Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.*

[FR Doc. 04–6049 Filed 3–16–04; 8:45 am]

**BILLING CODE 4910–15–P**

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Parts 60 and 63

[FRL–7637–7]

#### Supplemental Notice and Extension of the Comment Period for the Proposed National Emission Standards for Hazardous Air Pollutants; and, in the Alternative, Proposed Standards of Performance for New and Existing Stationary Sources: Electric Utility Steam Generating Units

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

**ACTION:** Announcement of public hearing and extension of public comment period.

**SUMMARY:** The EPA is announcing that a public hearing will be held for the Supplemental Notice of Proposed Rule (Supplemental Proposal) for the January 30, 2004, Proposed National Emission Standards for Hazardous Air Pollutants (69 FR 4652); and, in the Alternative, Proposed Standards of Performance for New and Existing Stationary Sources: Electric Utility Steam Generating Units (Proposed Utility Mercury Reductions Rule).

The Supplemental Proposal includes a model cap and trade program and monitoring and reporting requirements for the January 30, 2004, proposal. The Supplemental Proposal was signed by the EPA Administrator on February 25, 2004, and is posted on the EPA Web site (provided under **ADDRESSES**).

The public hearing will be held in Denver, Colorado. The hearing is scheduled for March 31, 2004. Persons wishing to present oral testimony for the Supplemental Proposal may do so at this hearing. Details of the hearing are reiterated below.

**DATES: Public Hearing.** The public hearing will be held on March 31, 2004.

**Comments.** The public comment period for the Proposed Utility Mercury Reductions Rule, which was published on January 30, 2004, is extended to April 30, 2004, in order to provide the public additional time to submit comments and supporting information.

**ADDRESSES: Public Hearing.** The hearing will be held at the following location: Hyatt Regency Denver, 1750 Welton Street, Denver, Colorado, 80202, (303) 295–1234.

**Comments.** Written comments on the Supplemental Proposal may also be submitted to EPA electronically, by mail, by facsimile, or through hand delivery/courier. Please refer to the proposal for the addresses and detailed instructions.

*Docket.* Documents relevant to this action are available for public inspection at the EPA Docket Center, located at 1301 Constitution Avenue, NW., Room B102, Washington, DC between 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding legal holidays. A reasonable fee may be charged for copying. Documents are also available through EPA's electronic Docket system at <http://www.epa.gov/edocket>.

*Worldwide Web.* The EPA Web site for this rulemaking, which includes the Supplemental Proposal and information about the public hearing, is at <http://www.epa.gov/mercury>.

**FOR FURTHER INFORMATION CONTACT:** If you would like to speak at the public hearing or have questions concerning the public hearing, please contact Ms. Kelly Hayes at the address given below under **SUPPLEMENTARY INFORMATION** or at (919) 541-5578. Questions concerning the Supplemental Proposal should be addressed to William Maxwell, U.S. EPA, Office of Air Quality Planning and Standards, Emission Standards Division, Combustion Group (C439-01), Research Triangle Park, NC 27711, telephone number (919) 541-5430, e-mail at [maxwell.bill@epa.gov](mailto:maxwell.bill@epa.gov). For information on section 111 Hg Model Trading Rule contact Mary Jo Krolewski, U.S. EPA, 1200 Pennsylvania Ave. (MC 6204J), Washington, DC 20460, telephone number (202) 343-9847, fax number (202) 343-2358, electronic mail (e-mail) address, [krolewski.maryjo@epa.gov](mailto:krolewski.maryjo@epa.gov). For information on the part 75 Hg monitoring requirements contact Ruben Deza, U.S. EPA, 1200 Pennsylvania Ave. (MC 6204J), Washington, DC 20460, telephone number (202) 343-3956, fax number (202) 343-2358, electronic mail (e-mail) address, [deza.ruben@epa.gov](mailto:deza.ruben@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**Public Hearing**

The public hearing will provide interested parties the opportunity to present data, views, or arguments concerning the Supplemental Proposal. The EPA may ask clarifying questions during the oral presentations, but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as any oral comments and supporting information presented at the public hearing. Written comments must be postmarked by the last day of the comment period, as specified in the Supplemental Proposal.

The public hearing will be held in Denver, Colorado. The hearing is

scheduled for March 31, 2004. Persons wishing to present oral testimony on the Supplemental Proposal may do so. The meeting facilities and their phone numbers are provided above under **ADDRESSES**.

If you would like to present oral testimony at the hearing, please notify Ms. Kelly Hayes at (919) 541-5578 no later than March 26, 2004. She will provide you with a specific time and date to speak.

The public hearing will begin each day at 8 a.m. and continue into the evening until 9 p.m., or later if necessary, depending on the number of speakers. The EPA is scheduling lunch breaks from 12:30 until 2 p.m. and dinner breaks from 6 to 7:30 p.m.

Oral testimony will be limited to a total of 10 minutes per commenter to address the Supplemental Proposal. We will not be providing equipment for commenters to show overhead slides or make computerized slide presentations unless we receive special requests in advance. Commenters should notify Ms. Kelly Hayes if they will need specific equipment. The EPA encourages commenters to provide written versions of their oral testimonies either electronically on computer disk or CD ROM or in paper copy.

The hearing schedules, including lists of speakers, will be posted on EPA's Web pages for the rulemakings at <http://www.epa.gov/mercury> prior to the hearing. Verbatim transcripts of the hearing and written statements will be included in the rulemaking docket.

**Comment Period**

Due to the many requests we have received from both the public and members of Congress to extend the public comment period for the January 30, 2004, Proposed Utility Mercury Reduction Rule to reduce air emissions of mercury and nickel, EPA is extending the public comment period by 30 days. Therefore, the public comment period will end on April 30, 2004, rather than March 30, 2004.

**How Can I Get Copies of This Document and Other Related Information?**

The EPA has established the official public docket for the Supplemental Proposal and the Utility Mercury Reductions Rule under Docket ID No. OAR-2002-0056. The EPA has also developed Web sites for these rulemakings at the addresses given above. Please refer to the Supplemental Proposal for details on accessing information related to that action.

Dated: March 9, 2004.

**Jeffrey R. Holmstead,**  
*Assistant Administrator for Air and Radiation.*

[FR Doc. 04-6093 Filed 3-16-04; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 300**

[FRL-7637-3]

**National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of intent to delete the Hooker-102nd Street Superfund Site from the National Priorities List.

**SUMMARY:** The Environmental Protection Agency (the "EPA" or the "Agency"), Region 2, announces its intent to delete the Hooker-102nd Street Superfund Site (Site) from the National Priorities List (NPL) and requests public comment on this action.

The NPL is Appendix B of the; National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, which the EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. The EPA and New York State, through its Department of Environmental Conservation (NYSDEC) have determined that all appropriate response actions under CERCLA have been implemented and that no further response actions, other than operation, maintenance, and monitoring, are required. Moreover, the EPA and the NYSDEC have determined that the Site no longer poses a significant threat to public health or the environment. The Site is located in the City of Niagara Falls, Niagara County, New York.

**DATES:** The EPA will accept comments concerning its intent to delete on or before April 16, 2004.

**ADDRESSES:** Comments should be mailed to: Paul J. Olivo, Hooker-102nd Street Site Remedial Project Manager, U.S. Environmental Protection Agency, Region 2, 290 Broadway, 20th Floor, New York, New York 10007-1866.

Comprehensive information on the Site is available for viewing, by appointment only, at: U.S. Environmental Protection Agency, Region 2, Superfund Records Center, 290 Broadway, Room 1828, New York, New York 10007-1866, (212) 637-4308.