

**ENVIRONMENTAL PROTECTION AGENCY**

[OAR-2004-0078; FRL-7819-4]

**Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Regulation of Fuels and Fuel Additives: Detergent Gasoline (Renewal), EPA ICR Number 1655.05, OMB Control Number 2060-0275****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. This ICR is scheduled to expire on October 31, 2004. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. This ICR describes the nature of the information collection and its estimated burden and cost.

**DATES:** Additional comments may be submitted on or before October 27, 2004.

**ADDRESSES:** Submit your comments, referencing docket ID number OAR-2004-0078, to (1) EPA online using EDOCKET (our preferred method), by e-mail to [a-and-r-docket@epa.gov](mailto:a-and-r-docket@epa.gov), or by mail to: Environmental Protection Agency, EPA Docket Center (EPA/DC), Air and Radiation Docket and Information Center, Mail Code 6102T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:**

James W. Caldwell, Office of Transportation and Air Quality, Mail Code 6406, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 343-9303; fax number: (202) 343-2801; e-mail address: [caldwell.jim@epa.gov](mailto:caldwell.jim@epa.gov).

**SUPPLEMENTARY INFORMATION:** EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On June 1, 2004 (69 FR 30896), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments.

EPA has established a public docket for this ICR under Docket ID No. OAR-2004-0078, which is available for public viewing at the Air and Radiation Docket and Information Center in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Avenue, NW., Washington, DC. The EPA Docket Center 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 Reading Room is (202) 566-1744, and the telephone number for the Office of Air and Radiation Docket is (202) 566-1742. An electronic version of the public docket is available through EPA Dockets (EDOCKET) at <http://www.epa.gov/edocket>. Use EDOCKET to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID number identified above.

Any comments related to this ICR should be submitted to EPA and OMB within 30 days of this notice. EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EDOCKET as EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose public disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EDOCKET. The entire printed comment, including the copyrighted material, will be available in the public docket. Although identified as an item in the official docket, information claimed as CBI, or whose disclosure is otherwise restricted by statute, is not included in the official public docket, and will not be available for public viewing in EDOCKET. For further information about the electronic docket, see EPA's **Federal Register** notice describing the electronic docket at 67 FR 38102 (May 31, 2002), or go to <http://www.epa.gov/edocket>.

**Title:** Regulation of Fuels and Fuel Additives: Detergent Gasoline (40 CFR part 80, subpart G) (Renewal).

**Abstract:** Gasoline combustion results in the formation of engine deposits that contribute to increased emissions. Detergent additives deter deposit formation. The Clean Air Act requires gasoline to contain a detergent additive. The regulations at 40 CFR part 80, subpart G specify certification requirements for manufacturers of

detergent additives, recordkeeping or reporting requirements for blenders of detergents into gasoline or post-refinery component (any gasoline blending stock or any oxygenate which is blended with gasoline subsequent to the gasoline refining process), and reporting or recordkeeping requirements for manufacturers, transferors, or transferees of detergents, gasoline, or post-refinery component (PRC). These requirements ensure that (1) a detergent is effective before it is certified by EPA, (2) a certified detergent, at the minimum concentration necessary to be effective (known as the lowest additive concentration (LAC), is blended into gasoline, and (3) only gasoline which contains a certified detergent at its LAC is delivered to the consumer. The EPA maintains a list of certified gasoline detergents, which is publicly available. There are approximately 325 certified detergents for 18 detergent manufacturers.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15, and are identified on the form and/or instrument, if applicable.

**Burden Statement:** The annual public reporting and recordkeeping burden for this collection of information is estimated to average 3.2 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

**Respondents/Affected Entities:** (1) Manufacturers of gasoline, post-refinery component, or detergent additives, (2) blenders of detergent additives into gasoline or post-refinery component, and (3) transferors or transferees of detergent additives, gasoline, or post-refinery component.

**Estimated Number of Respondents:** 1376.

*Frequency of Response:* On occasion and monthly.

*Estimated Total Annual Hour Burden:* 221,808 hours.

*Estimated Total Annual Cost:* \$13,277,604, which includes \$0 annualized capital/startup costs, \$205,380 O&M costs, and \$13,072,224 annual labor costs.

*Changes in the Estimates:* There is a decrease of 1,200 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This decrease is due to a reduction in the annual number of applications for detergent certification, from 50 to 30.

Dated: September 15, 2004.

**Oscar Morales,**

*Director, Collection Strategies Division.*

[FR Doc. 04-21584 Filed 9-24-04; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[Regional Docket Nos. II-2000-01, -03; FRL-7819-1]

### Notice of Final Orders on Remand; Clean Air Act Operating Permit Program; Petitions for Objection to State Operating Permits for the Albert Einstein College of Medicine at Yeshiva University and the Kings Plaza Total Energy Plant

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

**ACTION:** Notice of final order on remand, addressing two State operating permits.

**SUMMARY:** This document announces that the EPA Administrator has addressed on remand two citizen petitions asking EPA to object to operating permits issued to two facilities by the New York State Department of Environmental Conservation (NYSDEC). On February 27, 2003, the United States Court of Appeals for the Second Circuit granted a petition for review brought by NYPIRG challenging the EPA's final Orders denying its administrative petitions seeking objections to the Action Packaging, Kings Plaza, and Yeshiva permits. *New York Public Interest Research Group, Inc. v. Whitman*, 321 F.3d 316 (2nd Cir.) (hereinafter "NYPIRG"). The court vacated EPA's denial of NYPIRG's petitions and remanded the decisions for further proceedings consistent with the court's opinion. Specifically, in response to the court's remand, the Administrator has partially granted and partially denied the petitions submitted by the New York

Public Interest Research Group (NYPIRG) to object to the state operating permits issued to the Albert Einstein College of Medicine at Yeshiva University and the Kings Plaza Total Energy Plant. The facility operated by Action Packaging ceased operations as of September 31, 2002, surrendered its permit, and will not be seeking a renewal permit.

Pursuant to section 505(b)(2) of the Clean Air Act (Act), Petitioner may seek judicial review of those portions of the petitions 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 notice appears in the **Federal Register**, pursuant to section 307 of the Act.

**ADDRESSES:** You may review copies of the final order, the petitions, and other supporting 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 is available electronically at: <http://www.epa.gov/region07/programs/artd/air/title5/petitiondb/petitiondb2000.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. Yeshiva

On March 15, 2000, the EPA received a petition from NYPIRG, requesting that EPA object to the issuance of the title V operating permit for the Albert Einstein College of Medicine at Yeshiva University. The EPA administrator first responded to this petition on January 16, 2002, denying it on all counts. *In the*

*Matter of the Albert Einstein College of Medicine of Yeshiva University* ("Yeshiva"), Petition No. II-2000-01, January 16, 2002. On August 26, 2004, in response to the NYPIRG decision remanding the January 16 Order to EPA, the Administrator issued an order partially granting and partially denying the Yeshiva petition. The order explains the reasons behind EPA's conclusion that the NYSDEC must reopen the permit to: (1) Publish a public notice for the Yeshiva permit with language on how to request a hearing; (2) apply the proper standard when deciding whether to hold a hearing, if one is requested; (3) prepare a statement of basis with the draft permit; and (4) describe the applicability of 40 CFR part 68. The order also explains the reasons for denying the initial compliance certification issue, which is the fifth petition issue addressed per the remand.

#### II. Kings Plaza

On May 5, 2000, the EPA received a petition from NYPIRG, requesting that EPA object to the issuance of the title V operating permit for the Kings Plaza Total Energy Plant. The EPA Administrator first responded to this petition on January 16, 2002, granting it in part and denying it in part. *In the Matter of Kings Plaza Total Energy Plant*, Petition Number II-2000-03, January 16, 2002 ("Kings Plaza"). On August 26, 2004, in response to the NYPIRG decision remanding the January 16 Order to EPA, the Administrator issued an order partially granting and partially denying the petition. The order explains the reasons behind EPA's conclusion that the NYSDEC must require the permittee to submit a new compliance certification in accordance with 40 CFR 70.5(c)(9)(i). The Order also explains the reasons for denying the other four remand issues.

Dated: September 16, 2004.

**Jane M. Kenny,**

*Regional Administrator, Region 2.*

[FR Doc. 04-21583 Filed 9-24-04; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7818-5]

### Notice of Solicitation: Building State, Territorial, and Tribal Capacity To Address Children's Environmental Health: Environmental Triggers of Childhood Asthma; Initial Announcement

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