

EPA's authority to collect this information is fully discussed in the ICR supporting document. In summary, section 308 of the CWA authorizes EPA to collect technical, biological and financial data to support the rulemaking process. The ICR for the Industry Detailed Questionnaire: Phase III Cooling Water Intake Structures matches the purpose authorized under section 308, therefore responses to the detailed questionnaire are mandatory. In accordance with 40 CFR part 2, subpart B, § 2.203, the survey will inform respondents of their right to claim information as confidential. The survey provides instructions on the procedures for making Confidential Business Information (CBI) claims, and the respondents also will be informed of the terms and rules governing protection of CBI obtained under the CWA. 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. The Federal Register document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on January 26, 1998 (63 FR 3738); 363 comments were received. Based on these comments and the pretest results, EPA significantly modified the questionnaire.

IV. Burden Statement

The annual public reporting and recordkeeping burden for the detailed questionnaire is estimated to be about 45 hours per response for offshore oil and gas extraction facilities. The public reporting and recordkeeping burden for offshore seafood processing facilities would be 8 hours per response on the Industry Short Technical Questionnaire, and 56 hours per response on the Detailed Industry Questionnaire. These estimates are based upon estimates in the OMB approved ICR, taking into account the reduced burden from deleted questions. The respondent burden in the original approved ICR was 128,736 hours and the non-labor cost was \$13,635. The total burden associated with this extension is articulated below and reflects the changes in applicable respondents described in section III of this notice:

Estimated Number of Respondents for Detailed Questionnaire: 250 (100 Offshore and Coastal Oil and Gas Extraction firms and 150 Offshore Seafood Processors).

Estimated Number of Respondents for Short Technical Questionnaire: 800.

Frequency of Response: one-time submission.

Estimated Burden: 19,300 hours.

Estimated Cost (non-labor costs): \$3,950.

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.

Dated: December 9, 2002.

Geoffrey H. Grubbs,

Director, Office of Science and Technology.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7420-6]

Proposed Settlement Agreement, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed consent decree; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended ("Act"), 42 U.S.C. 7413(g), notice is hereby given of a proposed consent decree which was lodged with the United States District Court for the District of Columbia by the United States Environmental Protection Agency on November 14, 2002, to address two lawsuits filed by the New York Public Interest Research Group, Inc. and the Sierra Club and Georgia Forest Watch. The lawsuits were filed pursuant to section 304(a) of the Act, 42 U.S.C. 7604(a), and allege that the Administrator failed to meet a mandatory sixty day deadline under section 505(b)(2) of the Act, 42 U.S.C. 7661d(b)(2), for granting or denying petitions seeking the Agency's objection to eleven Clean Air Act Title V operating permits issued by the New York State Department of Environmental Conservation and eight

Title V operating permits issued by the Georgia Environmental Protection Division. The lawsuits have been consolidated and both are addressed by the proposed consent decree, which establishes a schedule for the Administrator to respond to the outstanding petitions that are subject to the lawsuits.

DATES: Written comments on the proposed consent decree must be received by January 13, 2003.

ADDRESSES: Written comments should be sent to Padmini Singh (on the New York petition deadlines) or Kerry E. Rodgers (on the Georgia petition deadlines), Air and Radiation Law Office (MC 2344A), Office of General Counsel, United States Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Copies of the proposed consent decree are available from Phyllis J. Cochran, (202) 564-7606. A copy of the proposed consent decree was lodged with the Clerk of the United States District Court for the District of Columbia on November 14, 2002.

SUPPLEMENTARY INFORMATION: New York Public Interest Research Group, Inc. ("NYPIRG") alleges that the United States Environmental Protection Agency ("EPA") Administrator failed to meet a mandatory sixty day deadline under section 505(b)(2) of the Act, 42 U.S.C. 7661d(b)(2), for granting or denying petitions seeking EPA's objection to eleven Title V operating permits issued by the New York State Department of Environmental Conservation. Sierra Club and Georgia Forest Watch allege that the Administrator failed to meet the same deadline under section 505(b)(2) for granting or denying petitions seeking EPA's objection to eight Title V operating permits issued by the Georgia Environmental Protection Division.

Prior to negotiating the proposed consent decree, the Administrator signed orders responding to three petitions for New York facilities and three petitions for Georgia facilities that are subject to the lawsuits. The proposed consent decree establishes a schedule for EPA's responses to the remaining petitions that are subject to the lawsuits. Specifically, the proposed consent decree requires EPA to sign orders responding to the plaintiffs' petitions for the following facilities (listed with the states in which they are located) no later than the dates specified:

(a) King Finishing (GA)—October 15, 2002;

(b) Monroe Power (GA)—October 15, 2002;

- (c) Shaw Industries, Plant No. 80 (GA)—November 15, 2002;
- (d) Shaw Industries, Plant No. 2 (GA)—November 15, 2002;
- (e) Oglethorpe Power Wansley Combined Cycle Energy Facility (GA)—November 15, 2002;
- (f) Columbia University (NY)—December 15, 2002;
- (g) Elmhurst Hospital (NY)—December 15, 2002;
- (h) Starrett City (NY)—December 15, 2002;
- (i) Bergen Point Sewage Treatment Plant (NY)—December 15, 2002;
- (j) Maimonides Medical Center (NY)—December 15, 2002;
- (k) Lovett Generating Station (NY)—January 30, 2003;
- (l) Danskammer Generating Station (NY)—January 30, 2003;
- (m) Con Edison 74th Street Station (NY)—January 30, 2003.

The proposed consent decree also requires EPA to provide the plaintiffs with notice of signature of each order within five business days following signature. In addition, the proposed consent decree requires EPA to deliver a notice of each order to the Office of Federal Register for prompt publication no later than thirty days following signature and to not take any steps to delay publication of such notice. After EPA has fulfilled all of its obligations under the proposed consent decree, the proposed consent decree will terminate and the lawsuits will be dismissed with prejudice.

For a period of thirty days following the date of publication of this notice, EPA will receive written comments relating to the proposed consent decree from persons who were not named as parties or intervenors to the lawsuits in question. EPA or the United States Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the United States Department of Justice determines, following the comment period, that consent is inappropriate, the final consent decree will be entered with the court and will establish deadlines for the Administrator's responses to the remaining petitions that are subject to the lawsuits in question.

Dated: December 4, 2002.

Lisa K. Friedman,

Associate General Counsel, Air and Radiation Law Office, Office of General Counsel.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7419-8]

Clean Water Act Section 303(d): Availability of List Decisions

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of EPA decisions identifying water quality limited segments and associated pollutants in Arizona and Nevada to be listed pursuant to Clean Water Act Section 303(d)(2), and requests public comment. Section 303(d)(2) requires that states submit and EPA approve or disapprove lists of waters for which existing technology-based pollution controls are not stringent enough to attain or maintain state water quality standards and for which total maximum daily loads (TMDLs) must be prepared.

On December 5, 2002, EPA partially approved and partially disapproved Arizona's submittal. Specifically, EPA approved Arizona's listing of 32 waters, associated pollutants, and associated priority rankings. EPA disapproved Arizona's decisions not to list 19 water quality limited segments and associated pollutants, and additional pollutants for 3 water bodies already listed by the State. EPA identified these additional water bodies and pollutants along with priority rankings for inclusion on the 2002 Section 303(d) list.

On November 20, 2002, EPA partially approved and partially disapproved Nevada's submittal. Specifically, EPA approved Nevada's listing of 84 waters, associated pollutants, and associated priority rankings. EPA disapproved Nevada's decisions not to list 15 water quality limited segments and associated pollutants, and additional pollutants for 38 water bodies already listed by the State. EPA identified these additional water bodies and pollutants along with priority rankings for inclusion on the 2002 Section 303(d) list.

EPA is providing the public the opportunity to review its decisions to add waters and pollutants to Arizona and Nevada's 2002 Section 303(d) lists, as required by EPA's Public Participation regulations [40 CFR part 25]. EPA will consider public comments in reaching its final decisions on the additional water bodies and pollutants identified for inclusion on Arizona and Nevada's final lists.

DATES: Comments must be submitted to EPA on or before January 13, 2003.

ADDRESSES: Comments on the proposed decisions should be sent to David

Smith, TMDL Team Leader, Water Division, U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105, telephone (415) 972-3416, facsimile (415) 947-3537, e-mail smith.davidw@epa.gov. Oral comments will not be considered. Copies of the proposed decisions concerning Arizona and Nevada which explain the rationale for EPA's decisions can be obtained at EPA Region 9's Web site at <http://www.epa.gov/region09/water/TMDL> by writing or calling Mr. Smith at the above address. Underlying documentation comprising the record for these decisions are available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT:

David Smith at (415) 972-3416 or smith.davidw@epa.gov.

SUPPLEMENTARY INFORMATION: Section 303(d) of the Clean Water Act (CWA) requires that each state identify those waters for which existing technology-based pollution controls are not stringent enough to attain or maintain state water quality standards. For those waters, states are required to establish TMDLs according to a priority ranking.

EPA's Water Quality Planning and Management regulations include requirements related to the implementation of Section 303(d) of the CWA [40 CFR 130.7]. The regulations require states to identify water quality limited waters still requiring TMDLs every two years. The lists of waters still needing TMDLs must also include priority rankings and must identify the waters targeted for TMDL development during the next two years [40 CFR 130.7]. On March 31, 2000, EPA promulgated a revision to this regulation that waived the requirement for states to submit Section 303(d) lists in 2000 except in cases where a court order, consent decree, or settlement agreement required EPA to take action on a list in 2000 [65 FR 17170].

Consistent with EPA's regulations, Arizona submitted to EPA its listing decisions under Section 303(d)(2) on October 17, 2002. On December 5, 2002, EPA approved Arizona's listing of 32 waters and associated priority rankings. EPA disapproved Arizona's decisions not to list 19 water quality limited segments and associated pollutants, and additional pollutants for 3 water bodies already listed by the State. EPA identified these additional waters and pollutants along with priority rankings for inclusion on the 2002 Section 303(d) list. EPA solicits public comment on its identification of 19 additional waters and associated pollutants, and additional pollutants for 3 waters