

(7) Make sure to submit your comments by the comment period deadline identified.

(8) To ensure proper receipt by EPA, identify the appropriate docket identification number in the subject line on the first page of your response. It would also be helpful if you provided the name, date, and **Federal Register** citation related to your comments.

*E. In What Information Is EPA Particularly Interested?*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

(1) Evaluate whether the proposed collections of information are necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility.

(2) Evaluate the accuracy of the Agency's estimates of the burdens of the proposed collections of information.

(3) Enhance the quality, utility, and clarity of the information to be collected.

(4) Minimize the burden of the collections of information on those who are to respond, including through the use of appropriate automated or electronic collection technologies or other forms of information technology, e.g., permitting electronic submission of responses.

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.

## II. ICR To Be Renewed

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 standards are displayed in 40 CFR Part 9.

These information collection requirements are mandatory. Furthermore, the records required by

the National Emission Standards for Hazardous Air Pollutants (NESHAP) must be retained by the owner or operator for at least five years. In general, the required information consists of emissions data and other information deemed not to be private.

In the absence of such information collection requirements, enforcement personnel would be unable to determine whether the standards are being met on a continuous basis, as required by the Clean Air Act.

The Agency computed the burden for each of the recordkeeping and reporting requirements applicable to the industry for the currently approved ICR listed in this notice. Where applicable, the Agency identified specific tasks and made assumptions, while being consistent with the concept of the Paperwork Reduction Act.

In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following proposed, continuing ICR to the Office of Management and Budget (OMB): NESHAP for the Manufacture of Amino/Phenolic Resins (40 CFR Part 63, Subpart OOO); Docket ID Number OECA-2003-0153; EPA Preliminary ICR Number 1869.03, OMB Control Number 2060-0434; expiration date February 29, 2004.

### A. Contact Individual

NESHAP for the Manufacture of Amino/Phenolic Resins (40 CFR Part 63, Subpart OOO); Leonard Lazarus in the Office of Compliance at (202) 564-6369, facsimile number (202) 564-0050, or via e-mail at [lazarus.leonard@epamail.epa.gov](mailto:lazarus.leonard@epamail.epa.gov); EPA ICR Number 1869.03; OMB Control Number 2060-0434; expiration date February 29, 2004.

### B. Information for ICR

*Title:* NESHAP for the Manufacture of Amino/Phenolic Resins (40 CFR part 63, Subpart OOO); EPA ICR Number 1869.03; OMB Control Number 2060-0434; expiration date February 29, 2004.

*Affected Entities:* Respondents are owners and operators of new and existing facilities that engage in the manufacture of amino/phenolic resins and emit hazardous air pollutants.

*Abstract:* The respondents are subject to the recordkeeping and reporting requirements at 40 CFR part 63, Subpart A—General Provisions, that apply to all NESHAP sources. These requirements include recordkeeping and reporting for startup, shutdown and malfunctions, and semiannual reporting. Exceptions to the General Provisions for this source category are delineated in the standard.

The standard includes other requirements such as precompliance reports, notifications of compliance status, other designated reports and information regarding alternative monitoring parameters. Respondents complying with the equipment leak requirements, must follow the recordkeeping and reporting requirements at 40 CFR part 63, Subpart H.

*Burden Statement:* In the previously approved ICR, the estimated number of respondents for this information collection was 40 with 80 responses per year. The annual industry recordkeeping and reporting burden for this collection of information was 32,252 hours. On the average each respondent reported twice per year and 403 hours were spent preparing each response. There were no operation and maintenance costs associated with continuous emission monitoring (CEM) equipment in the previous ICR. However, there were \$80,000 in costs associated with the startup/shutdown of CEM equipment.

Dated: November 20, 2003.

**Michael Stahl,**

*Director, Office of Compliance.*

[FR Doc. 03-30044 Filed 12-5-03; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7595-9]

### Proposed Settlement Agreement, Clean Air Act Citizen Suit

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

**ACTION:** Notice of Proposed Settlement Agreement; 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 settlement agreement, to address a petition for writ of mandamus filed by Environmental Defense in the U.S. Court of Appeals for the District of Columbia Circuit: *In re Environmental Defense*, No. 03-1220 (D.C. Cir.). On or about July 31, 2003, Petitioner filed a petition asking the Court to issue a writ of mandamus directing EPA to complete remand proceedings ordered by the Court in *Environmental Defense Fund v. EPA*, 898 F.2d 183 (D.C. Cir 1990), and to promulgate regulations, consistent with the Clean Air Act, 42 U.S.C. 7476, for the prevention of significant deterioration of air quality by oxides of nitrogen. Under the terms of the

proposed settlement agreement, EPA would publish a proposed rulemaking by September 30, 2004 and a final rulemaking by September 30, 2005 setting forth its actions to comply with the remand order.

**DATES:** Written comments on the proposed settlement agreement must be received by January 7, 2004.

**ADDRESSES:** Submit your comments, identified by docket ID number OGC-2003-0006, online at <http://www.epa.gov/edocket> (EPA's preferred method); by e-mail to [oei.docket@epa.gov](mailto:oei.docket@epa.gov); mailed to EPA Docket Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; or by hand delivery or courier to EPA Docket Center, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC, between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays. Comments on a disk or CD-ROM should be formatted in Wordperfect or ASCII file, avoiding the use of special characters and any form of encryption, and may be mailed to the mailing address above.

**FOR FURTHER INFORMATION CONTACT:** M. Lea Anderson, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460. telephone: (202) 564-5571.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Additional Information About the Proposed Settlement**

Pursuant to section 166 of the Clean Air Act, EPA promulgated regulations on October 17, 1998 to prevent significant deterioration of air quality due to emissions of nitrogen oxides. 53 FR 40656. These regulations were challenged, and on March 13, 1990, the United States Court of Appeals for the District of Columbia Circuit ("D.C. Circuit") remanded the regulations to EPA. *Environmental Defense Fund v. EPA*, 898 F.2d 183 (D.C. Cir. 1990). At that time, the court declined to establish a deadline for EPA to act on this remand. *Id.*

The settlement agreement provides, among other things, that: (1) By September 30, 2004, EPA shall sign for publication in the **Federal Register** a notice of proposed rulemaking setting forth its proposed action to fully comply with the Court's remand order in *Environmental Defense Fund v. EPA*, including any proposed regulations necessary to comply with that remand order; (2) By September 30, 2005, EPA shall sign for publication in the **Federal**

**Register** a notice of final rulemaking setting forth its final action to fully comply with the Court's remand order in *Environmental Defense Fund v. EPA*, including any final regulations necessary to comply with that remand order; and (3) EPA shall file quarterly status reports on the Agency's progress.

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed settlement agreement from persons who were not named as parties or interveners to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed settlement agreement 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 Department of Justice determine, based on any comment which may be submitted, that consent to the settlement agreement should be withdrawn, the terms of the agreement will be affirmed.

##### **II. Additional Information About Commenting on the Proposed Settlement Agreement**

###### *A. How Can I Get A Copy Of the Settlement Agreement?*

EPA has established an official public docket for this action under Docket ID No. OGC-2003-0006 which contains a copy of the settlement agreement. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room B102, 1301 Constitution Ave., 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 Public Reading Room is (202) 566-1744, and the telephone number for the OEI Docket is (202) 566-1752.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official 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 appropriate docket identification number.

It is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public

viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in EPA's electronic public docket. EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

###### *B. How and To Whom Do I Submit Comments?*

You may submit comments as provided in the **ADDRESSES** section. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment and with any disk or CD ROM you submit. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. 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.

Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment. In contrast to EPA's electronic public docket, EPA's electronic mail (e-mail) system is not an "anonymous access" system. If you send an e-mail comment directly to the Docket without going

through EPA's electronic public docket, your e-mail address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

Dated: December 2, 2003.

**Lisa K. Friedman,**

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

[FR Doc. 03-30373 Filed 12-5-03; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7596-3]

### Subject to Availability of Funding Solicitation Notice; Environmental Information Exchange Network Grant Program; Fiscal Year 2004

**SUMMARY:** The United States Environmental Protection Agency (EPA) announces that the Environmental Information Exchange Network Grant Program is now soliciting pre-proposals for the Program. The Exchange Network is an Internet and standards-based information systems network among EPA and its partners in States, Tribes, and Territories. It is designed to help integrate information, provide secure real-time access to environmental information, and support the electronic storage and collection of high-quality data and information. The Exchange Network provides a more efficient way of exchanging environmental information at all levels of government and with the public; it revolutionizes the way in which information is sent to and received by EPA and its State, Tribal, and Territorial partners. For examples of projects that EPA has funded in the past, please see the State and Tribal summaries of proposals that are available on the Exchange Network Grant Program Web site at <http://www.epa.gov/Networkg>.

**DATES:** Pre-proposals must be received electronically at [neengprg@epamail.epa.gov](mailto:neengprg@epamail.epa.gov) no later than February 3, 2004.

**FOR FURTHER INFORMATION:** Contact Rebecca Moser, Office of Information Collection, Office of Environmental Information, U.S. EPA, 1200 Pennsylvania Ave., NW, Mail Code 2823-T, Washington, DC 20460; phone, (202) 566-1679; email, [neengprg@epamail.epa.gov](mailto:neengprg@epamail.epa.gov). For additional information about the Exchange Network Grant Program, please visit the Web site at <http://www.epa.gov/Networkg>. An Information Session for potential applicants has

been scheduled for Monday, December 15, 2003, from 2:00 to 4:00 p.m. Eastern Standard Time. If you are interested in participating in this teleconference, please contact Rebecca Moser at the number listed above.

Dated: December 2, 2003.

**Mark A. Luttner,**

*Director, Office of Information Collection, Office of Environmental Information, U.S. Environmental Protection Agency.*

### FY 2004 Environmental Information Exchange Network Grant Program

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#### Section I. Eligibility Information

Eligible applicants include States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, the U.S. Virgin Islands (subsequently referred to collectively as States) and Federally Recognized Indian Tribes (subsequently referred to as Tribes) and agencies or departments within the States or Tribes.

Applicants must indicate an intent and commitment to participate in the Exchange Network. Exchange Network participation involves the use of Web services to move data and information, the use of eXtensible Markup Language (XML) schema to format data, and the use of data standards within these schema to improve data clarity. Applicants should use data standards that have been approved by the Environmental Data Standards Council (EDSC) and XML schema that have been approved by the Technical Resource Group (TRG, a workgroup established by the Network Steering Board (NSB)), where such standards or schema are available. If the appropriate data standards or XML schema are not available, applicants should indicate how they will use existing guidelines to establish common terms, definitions, and XML schema for exchanging their data.

For a list of EDSC-approved data standards, please refer to the EDSC Web site, <http://www.epa.gov/edsc>.

Information on EPA's implementation of EDSC-approved data standards is available on the Environmental Data Registry Web site, <http://www.epa.gov/edr>. For guidance on the development of XML schema and the TRG approval process, please refer to the Network Steering Board's (NSB's) Exchange Network Web site <http://www.ExchangeNetwork.net>.

Agencies or departments within a State or Tribe should coordinate submissions of pre-proposals through the appropriate State or Tribal environmental agency and indicate that this coordination has taken place in the pre-proposal submitted to EPA. No cost-sharing or matching of funds is required on the part of the applicants.

#### Section II. Funding Opportunity Description

Congressional action on the President's fiscal year (FY) 2004 budget includes \$20 million to support the Exchange Network. Subject to the availability of appropriations for this purpose, EPA is soliciting pre-proposals that will support and accelerate the development of the Exchange Network. Ten percent of the appropriated funds will be set aside for Tribal assistance agreements. The total number and amount of the assistance agreements awarded will depend on the amount of funding for the Exchange Network in the FY 2004 EPA appropriations. The Catalog of Federal Domestic Assistance number is 66.608. Funding beyond FY 2004 will depend on continued appropriations.

Assistance agreements are used by EPA to transfer money, property, services, or anything of value to a recipient to accomplish a public purpose; they may be in the form of a grant or a cooperative agreement. These assistance agreements will be funded in three separate categories: Readiness, Implementation, and Challenge. The funding ranges for these categories will be as follows:

- (1) Readiness Category—States up to \$150,000 and Tribes up to \$75,000;
- (2) Implementation Category—States up to \$300,000 and Tribes up to \$150,000; and
- (3) Challenge Category—States up to \$750,000 and Tribes up to \$300,000.

#### Section III. Award Information

Subsequent to EPA's receiving FY 2004 appropriations for the Exchange Network, the EPA Administrator may delegate authority to approve pre-proposals for funding to the Assistant Administrator of the Office of Environmental Information (OEI) and delegate authority to award the