

comment. Informal consultation by telephone or otherwise may also be utilized to facilitate presentation of oral comments by interested persons. All hearings or other oral presentations will be conducted by the proponent of the rule in a manner prescribed by him/her. A hearing file shall be established for each hearing. The hearing file shall include:

- (1) Public notices issued;
- (2) Request for the hearing;
- (3) Data or material submitted in justification thereof;
- (4) Materials submitted in opposition to the proposed action;
- (5) Hearing transcript; and
- (6) Any other material as may be relevant or pertinent to the subject matter of the hearing.

(c) There is no requirement to respond either orally or in writing, individually to any person who submits comments with respect to a proposed rule. The proponent of the rule, however, may do so as a matter within his/her discretion.

§ 519.20 Procedure when publishing adopted rules.

(a) After careful consideration of all relevant material submitted, the proponent of the rule will make such revisions in the proposed rule as appear necessary in light of the comments received.

(b) If it is impractical for the rule proponent to finalize the rule after the comment period, due to extensive unresolved issues, the proponent will publish a document withdrawing the proposed rule.

(c) The proponent will prepare a preamble for publication with the final rule. The proponent shall discuss in the preamble the comments received in response to the proposed rule and the decision to accept or reject the comments in the revision to the proposed rule. Preparation will be in accordance with guidance contained in the **Federal Register Handbook on Document Drafting**.

(d) The original and three copies of the preamble and revised rule will be forwarded to the FRLO in the proper format. The FRLO will then prepare the required certification and submit the documents to the Office of the Federal Register for publication in the form of an adopted rule.

(e) The proponent shall provide to the FRLO, a copy of the final rule, a completed OMB Form "Submission of Federal Rules Under the Congressional Review Act" (available at <http://www.whitehouse.gov/WH/EOP/OMB> and <http://www.gao.gov>), and a concise statement about the rule within 14 days of publication date in the **Federal**

Register. The proponent will identify whether it is a major or a substantive/nonsignificant rule, its proposed effective date, significant issues of interest, and a cost-benefit analysis of the rule, as applicable. The FRLO will submit a copy of all final rules to both Houses of Congress and the Government Accounting Office (GAO) per CRA.

(f) Army Civil Works rulemaking proponents, when proposing rules governed by § 519.3(e) of this regulation, may forward the documents prescribed in § 519.20(d) and (e) directly to the OFR. Army Civil Works proponents are responsible for submitting a copy of the final rules to Congress and GAO in accordance with § 519.20(e).

§ 519.21 Submission of petitions.

Each proponent of a rule will grant to any interested person the right to submit a written petition calling for the issuance, amendment, or repeal of any rule to which this part applies or would apply if issued, as specified in § 519.16. Any such petition will be given full and prompt consideration by the proponent. If compatible with the orderly conduct of public business, the appropriate official may, at his discretion, allow the petitioner to appear in person for the purpose of supporting this petition. After consideration of all relevant matters by the proponent, the petitioner will be advised in writing by the proponent of the disposition of any petition, together with the reasons supporting that disposition. This provision does not apply to comments submitted on proposed rules in § 519.19.

§ 519.22 Cases in which public comment is impractical.

(a) Whenever a rulemaking proponent determines for good cause that inviting public comment regarding a proposed rule would be impractical, unnecessary, or contrary to the public interest, he will prepare a brief statement of the reasons supporting this determination for incorporation in the preamble to the adopted rule. The preamble and adopted rule will then be published in the form outlined in § 519.20(c) and (d).

(b) Alternatively, the proponent may request Director, RMDA (by letter) to adopt and publish in the **Federal Register** a separate rule exempting from the prepublication notice provisions of this regulation those specific categories of rules which the rulemaking proponent has determined that public comment would be unnecessary, impractical, or contrary to the public interest. The request to RMDA, will contain an explanation of the reasons why the proponent believes that a

particular category of rule or rules should not be published in proposed form for public comment and a legal review by the proponent's servicing legal office. If RMDA, in coordination with the Office of Army General Counsel, agrees that public comment should not be invited with respect to the cited category, the proponent will adopt and publish a separate rule in the **Federal Register** exempting such rule or rules from the requirements of this part. This separate rule will include an explanation of the basis for exempting each particular category from the provisions of this part.

[FR Doc. 04-7613 Filed 4-6-04; 8:45 am]

BILLING CODE 3710-08-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region 2 Docket No. NY62-261, FRL-7644-3]

Approval and Promulgation of Implementation Plans; Reasonably Available Control Technology for Oxides of Nitrogen for a Specific Source in the State of New York

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency is proposing to conditionally approve a revision to the State Implementation Plan (SIP) for ozone submitted by the State of New York. This SIP revision consists of a source-specific reasonably available control technology (RACT) determination for controlling oxides of nitrogen from the sodium nitrite manufacturing plant operated by General Chemical Corporation. This action proposes a conditional approval of the source-specific RACT determination that was made by New York in accordance with provisions of its regulation to help meet the national ambient air quality standard for ozone. The intended effect of this proposed rule is to conditionally approve source-specific emission limitations required by the Clean Air Act.

DATES: Written comments must be received on or before May 7, 2004.

ADDRESSES: Comments may be submitted by mail to Raymond Werner, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 290 Broadway, 25th Floor, New York, New York 10007-1866. Comments may also be submitted

electronically, or through hand delivery/courier. Please follow the detailed instructions described in the "General Information" section of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT:

Richard Ruvo, Air Programs Branch, Environmental Protection Agency Region II, 290 Broadway, 25th Floor, New York, New York 10007-1866, (212) 637-4014, Ruvo.Richard@epa.gov.

SUPPLEMENTARY INFORMATION:

Overview

The Environmental Protection Agency (EPA) is proposing to conditionally approve the New York State Department of Environmental Conservation's (New York's) source-specific reasonably available control technology (RACT) determination for controlling oxides of nitrogen (NO_x) from the sodium nitrite manufacturing plant operated by General Chemical Corporation (General Chemical).

The following table of contents describes the format for this

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EPA's Proposed Action

What Action Is EPA Proposing Today?

EPA is proposing a conditional approval of New York's revision to the ozone State Implementation Plan (SIP) submitted to EPA on April 12, 2000, and supplemented on May 12, 2000, May 16, 2000, October 10, 2002, and February 24, 2003. This SIP revision relates to New York's NO_x RACT determination for General Chemical's sodium nitrite manufacturing plant located in Solway, Onondaga County.

Why Is EPA Proposing This Action?

EPA is proposing this action to:

- Give the public the opportunity to submit comments on EPA's proposed action, as discussed in the **DATES** and **ADDRESSES** sections.

- Fulfill New York's and EPA's requirements under the Clean Air Act (the Act).

- Require that New York's RACT determination consider recent developments in emission control technology.

- Require that New York's RACT determination be federally-enforceable.

What Are EPA's Proposed Conditions for Approval?

EPA is proposing the following three conditions for approving New York's source-specific SIP revision for General Chemical's NO_x RACT plan:

1. New York and General Chemical must provide a reassessment of RACT, in a format consistent with the "EPA Air Pollution Control Cost Manual," January 2002 (EPA 452/B-02-001), <http://www.epa.gov/ttn/catc/products.html>. The RACT reassessment must include, but not be limited to, the following:

- Analysis of the technical and economic feasibility of installing selective catalytic reduction (SCR) technology, including the complete evaluation of studies and processes at other similar facilities outside of the United States.

- Complete technical evaluation of switching from soda ash to sodium hydroxide, also known as caustic soda, for the entire manufacturing process, as well as a cost-effectiveness analysis of such a switch.

- Correction of Director Discretion provision in any existing or future permit conditions which require a RACT reassessment with language reflecting that the reassessment be approved by New York and EPA as a SIP revision.

2. New York and General Chemical must demonstrate compliance with the NO₂ National Ambient Air Quality Standard, based on a cumulative air quality modeling analysis, consistent with EPA Guidance, as provided under section 110 of the Act.

3. New York and General Chemical must provide continuous emissions monitoring (CEM) data from the last two years, or any other two years since the 1997 State-approval of General Chemical's RACT analysis which are determined to be more representative of normal source operation.

These areas of New York's SIP revision and General Chemical's NO_x RACT plan did not fully satisfy New

York's NO_x RACT regulations and EPA's NO_x RACT guidance and SIP revision requirements. A Technical Support Document (TSD), prepared in support of this proposed action, contains a detailed description of EPA's conditions for approval, as well as a detailed description of New York's submittal and EPA's evaluation. A copy of the TSD is available upon request from the EPA Regional Office listed in the **ADDRESSES** section.

How Can New York Get Full Approval for This SIP Revision?

EPA is proposing conditional approval of New York's SIP revision, provided New York commits in writing, on or before May 7, 2004, to correct the deficiencies discussed in the "What Are EPA's Proposed Conditions for Approval?" section. New York must then correct the deficiencies and submit them to EPA within one year of EPA's final action on this SIP revision.

If New York submits a commitment to comply with EPA's conditions, EPA will publish a final conditional approval of New York's SIP revision. EPA will consider all information submitted prior to any final rulemaking action as a supplement or amendment to the April 12, 2000, submittal. Note that New York's February 24, 2003, supplementary submittal, which requested EPA to condition approval of the General Chemical SIP revision, only addressed the condition to reassess SCR in the RACT analysis. Therefore, New York must submit another commitment to comply with all of EPA's conditions. If New York does not make the required commitment to EPA, EPA is proposing in the alternative, to disapprove the SIP revision.

What Are the Clean Air Act Requirements for NO_x RACT?

The Act requires certain states to develop RACT regulations for major stationary sources of NO_x and to provide for the implementation of the required measures as soon as practicable but no later than May 31, 1995. Under the Act, the definition of major stationary source is based on the tons per year (tpy) of air pollution a source emits and the quality of the air in the area of the source. In ozone transport regions, attainment/unclassified areas, as well as marginal and moderate ozone nonattainment areas, a major stationary source for NO_x is considered to be one which emits or has the potential to emit 100 tpy or more of NO_x and is subject to the requirements of a moderate nonattainment area. New York is within the Northeast ozone transport region, established by section 184(a) of the Act.

New York has defined a major stationary source of NO_x as a source which has the potential to emit 25 tpy in the New York City and lower Orange County metropolitan areas and 100 tpy in the rest of the State. Consequently, all major stationary sources of NO_x within the State of New York are required to implement RACT no later than May 31, 1995. For detailed information on the Act requirements for NO_x RACT see the TSD prepared for today's proposal.

What Is EPA's Evaluation of New York's SIP Revision?

EPA has determined New York's SIP revision for New York's NO_x RACT determination for General Chemical's Sodium Nitrite Manufacturing Plant is consistent with New York's NO_x RACT regulation and EPA's guidance, except for the deficiencies discussed in the "What Are EPA's Proposed Conditions for Approval?" section. EPA's basis for evaluating New York's SIP revision, is whether it meets the SIP requirements described in section 110 of the Act. EPA has determined that New York's SIP revision will not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement of the Act, once New York addresses the conditions for approval.

After reviewing New York's SIP revision submittal, on May 18, 2000, EPA determined it to be administratively and technically complete. The SIP revision was a request, by New York, for EPA approval of source-specific emission limitations developed in accordance with title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) part 212 provisions for process sources. New York has issued to the owner a permit with special conditions which are fully enforceable by the State and which contain conditions consistent with part 212.

EPA has determined that, provided New York agrees to EPA's commitment request, until such time that New York complies with all of EPA's conditions for approval and submits them to EPA as a SIP revision, the NO_x emission limits identified in New York's special permit conditions represent RACT for General Chemical's sodium nitrite manufacturing process. More specifically, EPA proposes to conditionally approve the source-specific NO_x emission limitation of 172 pounds of NO_x per hour for each unit, based on efficient plant operation as currently configured. The permit conditions include emission limits, work practice standards, testing, monitoring, and recordkeeping/

reporting requirements. These permit conditions are consistent with the NO_x RACT requirements specified in part 212 and conform to EPA's NO_x RACT guidance. Therefore, EPA is proposing to conditionally approve the source-specific SIP revision submitted by New York dated April 12, 2000, as supplemented on May 12, 2000, May 16, 2000, October 10, 2002, and February 24, 2003. Please note there may be other requirements, such as adequate monitoring, which States and sources will need to provide for, through the Title V permitting process.

New York's SIP Revision

What Are New York's NO_x RACT Requirements?

On January 20, 1994, New York submitted to EPA for approval as a revision to the SIP, 6 NYCRR Subpart 227-2, the State's NO_x RACT plan entitled "Reasonably Available Control Technology For Oxides of Nitrogen (NO_x RACT)—Stationary Combustion Installations." Subpart 227-2 provides the NO_x RACT requirements for combustion sources in New York and it became effective 30-days after being adopted on January 19, 1994. On April 29, 1999, New York submitted amendments to Subpart 227-2 as part of the State's NO_x Budget Trading Program (Part 227-3) SIP revision. On April 28, 2000, the EPA final approval action on the two SIP revisions for Subpart 227-2 was published in the **Federal Register** (65 FR 24875). On May 22, 2001, the EPA final approval action on another amendment to subpart 227-2 was published in the **Federal Register** (66 FR 28059).

On July 8, 1994, New York submitted, to EPA for approval as a revision to the SIP, 6 NYCRR part 212 entitled "General Process Emission Sources." Part 212 addresses the Act's NO_x RACT requirements for process sources. On September 25, 2001, the EPA final approval action on part 212 was published in the **Federal Register** (66 FR 48957).

What Are New York's Facility-Specific NO_x RACT Requirements?

Provisions within part 212 establish a procedure for a case-by-case determination of what represents RACT for an item of equipment, process or source. Facilities which conduct a RACT analysis are required to review control device technologies, technically feasible control strategies, and capture efficiencies of these controls for NO_x sources, keeping in mind the reasonable economics of RACT. The process specific RACT demonstrations are

required to be submitted to EPA for approval as SIP revisions. These provisions of part 212 are consistent with EPA guidance.

When Was New York's RACT Determination Proposed and Adopted?

New York's RACT determination was proposed on August 27, 1997, allowing 30 days for public comments. New York adopted the RACT determination on December 16, 1997.

When Was New York's SIP Revision Submitted to EPA?

New York's SIP revision was submitted to EPA on April 12, 2000. On May 18, 2000, EPA determined the submittal to be administratively and technically complete. Today's proposal is based on the April 12, 2000, SIP revision, as supplemented on May 12, 2000, May 16, 2000, October 10, 2002, and February 24, 2003.

General Information

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

The Regional Office has established an official public rulemaking file available for inspection at the Regional Office. EPA has established an official public rulemaking file for this action under Region 2 Docket Number NY62-261. The official public file consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public rulemaking file does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public rulemaking file is the collection of materials that is available for public viewing at the Environmental Protection Agency, Region II Office, Air Programs Branch, 290 Broadway, New York, New York 10007-1866. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30 excluding Federal holidays.

Copies of the State submittal and EPA's technical support document are also available for public inspection during normal business hours, by appointment at the State Air Agency New York Department of Environmental Conservation, Division of Air Resources, 625 Broadway, 2nd Floor, Albany, New York 12233.

Electronic Access. You may access this **Federal Register** document

electronically through the Regulations.gov Web site located at <http://www.regulations.gov> where you can find, review, and submit comments on Federal rules that have been published in the **Federal Register**, the Government's legal newspaper, and are open for comment.

For public commenters, 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 at the EPA Regional Office, as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose 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 the official public rulemaking file. The entire printed comment, including the copyrighted material, will be available at the Regional Office for public inspection.

How and to Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate rulemaking identification number by including the text "Public comment on proposed rulemaking [Region 2 Docket Number NY62-261]" in the subject line on the first page of your comment. 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.

Electronically. If you submit an electronic comment as prescribed below, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. 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. EPA's policy is that EPA will not edit your comment, and 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. 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.

E-mail. Comments may be sent by electronic mail (e-mail) to Werner.Raymond@epa.gov, please include the text "Public comment on proposed rulemaking [Region 2 Docket Number NY62-261]" in the subject line. EPA's e-mail system is not an "anonymous access" system. If you send an e-mail comment directly without going through Regulations.gov, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket.

Regulations.gov. Your use of Regulations.gov is an alternative method of submitting electronic comments to EPA. Go directly to [Regulations.gov](http://www.regulations.gov) at <http://www.regulations.gov>, then click on the button "TO SEARCH FOR REGULATIONS CLICK HERE", and select Environmental Protection Agency as the Agency name to search on. The list of current EPA actions available for comment will be listed. Please follow the online instructions for submitting comments. The 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.

Disk or CD ROM. You may submit comments on a disk or CD ROM that you mail to the mailing address identified below. These electronic submissions will be accepted in WordPerfect, Word or ASCII file format. Avoid the use of special characters and any form of encryption.

By Mail. Send your comments to: Raymond Werner, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 290 Broadway, New York, New York 10007-1866; Please include the text "Public comment on proposed rulemaking [Region 2 Docket Number NY62-261]" in the subject line on the first page of your comment.

By Hand Delivery or Courier. Deliver your comments to: Raymond Werner, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 290 Broadway, New York, New York 10007-1866. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30 excluding Federal holidays.

How Should I Submit CBI to the Agency?

Do not submit information that you consider to be CBI electronically to EPA. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the official public regional rulemaking file. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public file and available for public inspection without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

Conclusion

EPA is proposing to conditionally approve the New York SIP revision for a source-specific RACT determination for General Chemical's sodium nitrite manufacturing plant. This SIP revision contains source-specific NO_x emission limitations for General Chemical. EPA is proposing conditional approval of New York's SIP revision, provided New York commits in writing, on or before May 7, 2004, to correct the deficiencies discussed in the "What Are EPA's Proposed Conditions for Approval?" section. New York must then correct the deficiencies and submit them to EPA as a SIP revision within one year of EPA's final action on this SIP revision.

If New York submits a commitment to this effect in writing, on or before May 7, 2004, EPA will publish a final conditional approval of New York's SIP revision. EPA will consider all information submitted prior to any final rulemaking action as a supplement or amendment to the SIP submittal. If New York does not make the required commitment to EPA, EPA is proposing, in the alternative, to disapprove the SIP revision.

EPA is requesting public comment on the issues discussed in today's action. EPA will consider all public comments before taking final action. Interested

parties may participate in the Federal rulemaking procedure by submitting comments to the EPA Regional office listed in the **ADDRESSES** section.

Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This proposed action merely proposes to approve State law as meeting Federal requirements and imposes no additional requirements beyond those imposed by State law. Accordingly, the Administrator certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule proposes to approve pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4).

This proposed rule also does not have tribal implications because it will 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, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely proposes to approve a State rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This proposed rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This proposed rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: March 23, 2004.

Jane M. Kenny,

Regional Administrator, Region 2.

[FR Doc. 04-7862 Filed 4-6-04; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region 2 Docket No. NJ61-260, FRL-7644-4]

Approval and Promulgation of Implementation Plans; Reasonably Available Control Technology for Oxides of Nitrogen for a Specific Source in the State of New Jersey

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency is proposing to conditionally approve a revision to the State Implementation Plan (SIP) for ozone submitted by the State of New Jersey. This SIP revision consists of a source-specific reasonably available control technology (RACT) determination for controlling oxides of nitrogen from the sodium nitrite manufacturing plant operated by Repauno Products, LLC. This action proposes a conditional approval of the source-specific RACT determination that was made by New

Jersey in accordance with provisions of its regulation to help meet the national ambient air quality standard for ozone. The intended effect of this proposed rule is to conditionally approve source-specific emission limitations required by the Clean Air Act.

DATES: Written comments must be received on or before May 7, 2004.

ADDRESSES: Comments may be submitted by mail to Raymond Werner, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 290 Broadway, 25th Floor, New York, New York 10007-1866. Comments may also be submitted electronically, or through hand delivery/courier. Please follow the detailed instructions described in the "General Information" section of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Richard Ruvo, Air Programs Branch, Environmental Protection Agency Region II, 290 Broadway, 25th Floor, New York, New York 10007-1866, (212) 637-4014, Ruvo.Richard@epa.gov.

SUPPLEMENTARY INFORMATION:

Overview

The Environmental Protection Agency (EPA) is proposing to conditionally approve the New Jersey State Department of Environmental Protection's (New Jersey's) source-specific reasonably available control technology (RACT) determination for controlling oxides of nitrogen (NO_x) from the sodium nitrite manufacturing plant operated by Repauno Products, LLC (Repauno).

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