

*Title:* Cooling Water Intake Structures—New Facility (Renewal)

*Abstract:* The section 316(b) New Facility Regulation requires the collection of information from new facilities that use a cooling water intake structure (CWIS). Entities affected by this ICR are new power producing facilities (both utility and nonutility) and new manufacturing facilities that have large cooling water requirements. Four categories of manufacturing facilities tend to have large amounts of cooling water: paper and allied products, chemical and allied products, petroleum and coal products, and primary metals. Section 316(b) of the Clean Water Act (CWA) requires that any standard established under section 301 or 306 of the CWA and applicable to a point source must require that the location, design, construction and capacity of CWISs at that facility reflect the best technology available (BTA) for minimizing adverse environmental impact. Such impact occurs as a result of impingement (where fish and other aquatic life are trapped on technologies at the entrance to cooling water intake structures) and entrainment (where aquatic organisms, eggs, and larvae are taken into the cooling system, passed through the heat exchanger, and then pumped back out with the discharge from the facility). These requirements seek to minimize the adverse environmental impact associated with the use of CWISs.

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 in 40 CFR are listed in 40 CFR part 9 and are identified on the form and/or instrument, if applicable.

*Burden Statement:* The annual average reporting and record keeping burden for the collection of information by facilities with a cooling water intake structure is estimated to be 2,107 hours per respondent (*i.e.*, an annual average of 71,645 hours of burden divided among an anticipated annual average of 34 facilities). The Director reporting and record keeping burden for the review, oversight, and administration of these requirements is estimated to average 132 hours per respondent (*i.e.*, an annual average of 4,623 hours of burden divided among an anticipated 35 States on average per year). 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:* New power producing facilities and new manufacturing facilities that have large cooling water requirements.

*Estimated Number of Respondents:* 69.

*Frequency of Response:* One-time application and annual reports thereafter.

*Estimated Total Annual Hour Burden:* 76,268 hours.

*Estimated Total Annual Cost:* \$5,715,579 includes \$789,478 annualized O&M costs, \$1,152,448 Capital expenses, and \$3,773,653 in labor costs.

*Changes in the Estimates:* There is an increase of 35,892 hours in the total estimated annual burden and an increase of \$176,000 from the total estimated cost currently identified in the OMB Inventory of Approved ICR Burdens. The burden is based on the addition of the newly built facilities, as well as the continued performance of annual activities by facilities that received their permit during the first ICR approval period. The increase of hours and cost is attributed to the permit re-issuance activities that were not in the original ICR. These activities were not included in the original ICR because none of the new facilities required permit re-issuance during the initial approval period.

Dated: February 20, 2005.

**Oscar Morales,**

*Director, Collection Strategies Division.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7879-4]

### Proposed Consent Decree, 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, to address lawsuits filed by the State of North Carolina and Environmental Defense: *State of North Carolina v. Johnson*, No. 5:05-CV-112 (E.D. N.C.) and *Environmental Defense v. Johnson*, No. 5:05-CV-113 (E.D. N.C.). On February 17, 2005, the State of North Carolina and Environmental Defense filed complaints against EPA seeking to compel EPA to take action on a petition submitted to EPA under section 126 of the Clean Air Act on March 18, 2004. Under the terms of the proposed consent decree, EPA is to sign a notice of proposed rulemaking regarding the section 126 petition no later than August 1, 2005, and a notice of final rulemaking no later than March 15, 2006.

**DATES:** Written comments on the proposed consent decree must be received by April 1, 2005.

**ADDRESSES:** Submit your comments, identified by docket ID number OGC-2005-0002, 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:** Steven Silverman, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Telephone: (202) 564-5523.

#### SUPPLEMENTARY INFORMATION:

#### I. Additional Information About the Proposed Consent Decree

The proposed consent decree establishes deadlines for EPA to propose and take final action regarding a petition submitted to EPA by the State of North Carolina pursuant to section 126 of the Clean Air Act. The petition was submitted by the State of North Carolina on March 18, 2004, and requested that the Administrator of the EPA make a finding that certain sources of emissions of air pollutants outside the State of North Carolina are significantly

contributing to fine particulate matter and/or ozone nonattainment or maintenance problems in North Carolina.

The proposed consent decree establishes a deadline of August 1, 2005, for the signature of a notice of proposed rulemaking regarding North Carolina's section 126 petition to be published in the **Federal Register**. The notice of proposed rulemaking is to set forth EPA's proposed determination regarding the section 126 petition, and proposed remedy if any part of the proposed determination is not a denial. The proposed consent decree also establishes a deadline of March 15, 2006, for the signature of a final action regarding the section 126 petition. In addition, the proposed consent decree provides that EPA will hold a public hearing on the proposal during the week of September 12, 2005.

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 consent decree 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 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 Department of Justice determine, based on any comment which may be submitted, that consent to the consent decree should be withdrawn, the terms of the decree will be affirmed.

## II. Additional Information About Commenting on the Proposed Consent Decree

### A. How Can I Get a Copy of the Consent Decree?

EPA has established an official public docket for this action under Docket ID No. OGC-2005-0002 which contains a copy of the consent decree. 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: February 24, 2005.

**Richard B. Ossias,**

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

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL -7879-6]

### Science Advisory Board Staff Office; Notification of Upcoming Teleconferences of the Science Advisory Board, Second Generation Model Advisory Panel

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

**ACTION:** Notice.

**SUMMARY:** The EPA, Science Advisory Board (SAB) Staff Office announces two public teleconferences of the Second Generation Model (SGM) Advisory Panel.

**DATES:** April 1, 2005 and May 6, 2005. Public teleconferences of the SAB Second Generation Model Advisory Panel will be held from 2 p.m. to 4 p.m. Eastern time on April 1, 2005 and from 2 p.m. to 4 p.m. Eastern time on May 6, 2005.

**FOR FURTHER INFORMATION CONTACT:** Members of the public who wish to obtain the call-in number and access code to participate in the teleconference may contact Dr. Holly Stallworth, Designated Federal Officer, at telephone: (202) 343-9867 or via e-mail at: [stallworth.holly@epa.gov](mailto:stallworth.holly@epa.gov). Agendas and any other background materials for these teleconferences will be posted on the SAB Web site at: (<http://>