

*Executive Order 13175 Consultation and Coordination With Indian Tribal Governments*

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).

*Executive Order 13132 Federalism*

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.

*Executive Order 13045 Protection of Children From Environmental Health and Safety Risks*

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.

*National Technology Transfer Advancement Act*

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.

*Paperwork Reduction Act*

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**

*40 CFR Part 52*

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

*40 CFR Part 81*

Air pollution control, National parks, Wilderness areas.

Dated: April 7, 2005.

**Bharat Mathur,**

*Acting Regional Administrator, Region 5.*

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 70 and 71**

[OAR-2003-0180; FRL-7900-7]

**RIN 2060-AM63**

**Request for Comment on Potentially Inadequate Monitoring in Clean Air Act Applicable Requirements and on Methods To Improve Such Monitoring; Notice of Public Comment Period Extension**

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

**ACTION:** Advanced notice of proposed rulemaking (ANPR); notice of public comment period extension.

**SUMMARY:** The EPA is announcing that the closing date of the public comment period for the advanced notice of proposed rulemaking (ANPR) "Request for Comment on Potentially Inadequate Monitoring in Clean Air Act Applicable Requirements and on Methods To Improve Such Monitoring" (70 FR 7905, February 16, 2005) is extended sixty days from April 18, 2005 until June 17, 2005. After publishing this ANPR, the EPA received a letter dated March 11, 2005, from Environmental Integrity Project and several other environmental and citizens' organizations requesting a 120-day extension of the public comment period to allow the public to provide more meaningful comments, given the broad scope of the ANPR. The EPA believes it is reasonable to extend the public comment period for sixty days and is hereby granting the requested extension for that period.

**DATES:** Comments must be submitted by June 17, 2005.

**ADDRESSES:** Submit your comments, identified by Docket ID No. OAR-2003-0180, by one of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

- Agency Web site: <http://www.epa.gov/edocket>. EDOCKET, EPA's electronic public docket and comment system, is EPA's preferred method for receiving comments. Follow the on-line instructions for submitting comments.

- E-mail: Send electronic mail (e-mail) to EPA Docket Center at [a-and-r-docket@epamail.epa.gov](mailto:a-and-r-docket@epamail.epa.gov).

- Fax: Send faxes to EPA Docket Center at (202) 566-1741.

- Air and Radiation Docket, U.S. Environmental Protection Agency, Mail code: 6102T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

- Hand Delivery: Air and Radiation Docket, U.S. Environmental Protection Agency, EPA West Building, Room B102, 1301 Constitution Avenue, NW., Washington, DC 20004. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. OAR-2003-0180. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.epa.gov/edocket>, including any personal information provided, unless the comment includes information claimed to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through EDOCKET, regulations.gov, or e-mail. The EPA EDOCKET and the Federal regulations.gov Web sites are "anonymous access" systems, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through EDOCKET or regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. 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. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information

about EPA's public docket visit EDOCKET on-line or see the **Federal Register** of May 31, 2002 (67 FR 38102).

Docket: All documents in the docket are listed in the EDOCKET index at <http://www.epa.gov/edocket>. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in EDOCKET or in hard copy at the Air and Radiation Docket, EPA/DC, EPA West, Room B102, 1301 Constitution Avenue, NW., Washington, DC. The 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 Air Docket is (202) 566-1742.

**FOR FURTHER INFORMATION CONTACT:** Mr. Barrett Parker, Emissions, Monitoring, and Analysis Division, Office and Air Quality Planning and Standards, Mail Code C339-02, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541-5635; fax number: (919) 541-1039; and e-mail address: [parker.barrett@epa.gov](mailto:parker.barrett@epa.gov).

Dated: April 7, 2005.

**Jeffrey F. Clark,**

*Acting Director, Office of Air Quality Planning and Standards.*

[FR Doc. 05-7577 Filed 4-14-05; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[FRL-7899-4]

### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of Intent to Delete Naval Magazine Indian Island, Port Hadlock from the National Priorities List.

**SUMMARY:** The Environmental Protection Agency (EPA), Region 10, announces its intent to delete the Naval Magazine Indian Island Site (Site) located in Port Hadlock, Washington from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes appendix B of 40 CFR

part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, as amended. EPA and the State of Washington have determined that the remedial action for the Site has been successfully executed by the Navy and no further response under CERCLA is needed.

**DATES:** Comments concerning the proposed deletion of this Site from the NPL may be submitted on or before May 16, 2005.

**ADDRESSES:** Comments may be mailed to: Beverly Gaines, EPA Point of Contact, U.S. Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Mail Stop, ECL-110, Seattle, Washington 98101. Comprehensive information on this Site is available in the Administrative Record which is available for reviewing at Engineering Field Activity, Northwest, 19917 Seventh Avenue NE., Poulsbo, Washington 98370, (360) 396-0018. Information on the Site and a copy of the deletion docket are available for viewing at the Information Repositories which are located at: Jefferson County Library, 620 Cedar Avenue, Port Hadlock, Washington 98339, (360) 385-6544, and at: U.S. Environmental Protection Agency, Region 10, Superfund Records Center, 1200 Sixth Avenue, Seattle, Washington 98101, (206) 553-4494.

**FOR FURTHER INFORMATION CONTACT:** Beverly Gaines, EPA Point of Contact, U.S. Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Mail Stop, ECL-110, Seattle, Washington 98101, phone: (206) 553-1066, fax: (206) 553-0124, e-mail: [gaines.beverly@epa.gov](mailto:gaines.beverly@epa.gov).

#### SUPPLEMENTARY INFORMATION:

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- II. NPL Deletion Criteria
- III. Deletion Procedures
- IV. Basis of Intended Site Deletion

#### I. Introduction

The U.S. Environmental Protection Agency Region 10 announces its intent to delete the Naval Magazine Indian Island, which is located near Port Hadlock, Washington, from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of

the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, as amended. EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of these sites.

The Naval Magazine Indian Island NPL Site covers approximately 2,700 acres. The remedial action focused primarily on a 3.7 acre landfill that operated from the 1940's until the mid 1970's and received a variety of solid and hazardous wastes. The Record of Decision for Indian Island signed in August 1995 by the Navy, EPA, and the State of Washington Department of Ecology (Ecology), specified remedial actions for the Northend Landfill and addressed several other areas of contamination. The Navy has conducted cleanup activities at the Site under the oversight of EPA and Ecology pursuant to an Interagency Agreement between the Navy, EPA, and Ecology. EPA and Ecology have determined that remedial action for the Site has been successfully completed by the Navy. The Site is an active Naval base used primarily for handling and storage of Naval ordnance. After deletion from the NPL, Ecology will continue its oversight activities at the Site.

EPA will accept comments on the proposal to delete the Site for thirty (30) days after publication of this document in the **Federal Register**. Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses the procedures EPA is using for this action. Section IV discusses the Indian Island Site and explains how the site meets the deletion criteria.

#### II. NPL Deletion Criteria

Section 300.425(e) of the NCP provides that sites may be deleted from, or recategorized on the NPL, where no further response is appropriate. In making a determination to delete a site from the NPL, EPA shall consider, in consultation with the State, whether any of the following criteria have been met:

(i) Responsible parties or other parties have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed responses under CERCLA have been implemented, and no further response action by responsible parties is appropriate, or

(iii) The remedial investigation has shown that the release poses no significant threat to public health or to the environment and, therefore, taking remedial measures is not appropriate.

Even if a site is deleted from the NPL, where hazardous substances, pollutants