

including the validity of the methodology and assumptions used;

(iii) enhance the quality, utility, and clarity of the information to be collected; and

(iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement: The public reporting burden will depend upon the regulatory program tier into which sources are categorized. The number of sources regulated by 40 CFR part 68 is approximately 15,305. As explained above, because of the schedule for certain activities established in part 68, some burden and costs do not routinely occur in the three-year time period covered by this ICR. For example, most sources will not have to revise their RMPs or update their process hazard analyses, hazard reviews and offsite consequence analysis until the next reporting deadline, June 2009. Therefore, in this ICR, EPA has accounted for only on-going program implementation costs, rule familiarization and program implementation costs for new sources that may become subject to the regulations, and re-submission costs for few of the sources that have already submitted RMPs.

In 2003, EPA received RMPs from 332 new sources in various sectors. EPA assumes that there will be 332 new sources that may become subject to the regulations during the period covered by this ICR. These sources may need to become familiar with the regulations, develop prevention programs and prepare and submit RMPs. EPA estimates that the burden to become familiar with the regulations and to submit a RMP range from 10 to 40 hours for the various sectors covered by the regulations. The unit burden for prevention program documentation for new sources range from 70 to 95 hours for sources in various sectors. The total annual burden for new facilities to become familiar with the regulations, develop prevention program documentation and prepare and submit RMPs is 23,200 hours at a cost of \$796,250 dollars (69,600 hours at a cost of \$2,388,750 dollars for three years).

During the two reporting years, June 1999 and 2004, EPA received about 34 Confidential Business Information (CBI) claims. EPA assumes that there maybe 34 claims submitted annually during the period covered by this ICR from any new sources that may become subject to

the regulations. The estimated unit burden for developing and submitting CBI is 9.5 hours. The total annual burden for CBI claims is 323 hours at a cost of \$14,670 dollars (970 hours at a cost of \$44,010 for three years).

Based on the number of revised RMPs received recently, EPA assumes that about 1,050 sources may submit revised RMPs annually during the period covered by this ICR. Some of the sources may only need to revise a section of the RMP that they already submitted. The estimated total annual burden for these sources submitting revised RMPs within the period covered by this ICR is 13,300 hours at a cost of \$434,794 dollars (39,900 hours at a cost of \$1,304,382 dollars for three years).

Sources that have already submitted RMPs (15,305) are required to maintain documentation and update certain elements in their risk management plan. Some of the sources are covered by the Occupational Safety and Health Act (OSHA) Process Safety Management (PSM) regulations, and are already required to do some of the requirements. The total annual estimated burden for on-site documentation for non-PSM sources is 57,095 hours at a cost of \$2,024,754 dollars (173,502 hours at a cost of \$6,074,262 dollars for three years).

During the period covered by this ICR, there will be 15 states that have obtained delegation to implement the program. The total annual burden estimated for 15 states is 6,160 hours at a cost of \$221,000 dollars (18,480 hours at a cost of \$663,000 for three years).

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: May 26, 2005.

Dana S. Tulis,

Acting Director, Office of Emergency Management.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7920-3]

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 draft Consent Decree to address claims raised by Blue Skies Alliance, Downwinders at Risk, Public Citizen, and Sierra Club ("Blue Skies") in a citizen suit filed in the United States District Court for the Northern District of Texas. *Blue Skies Alliance et. al v. United States Environmental Protection Agency*, Civil Action No. 3:04-CIV-2169-N (N.D. TX). This lawsuit, filed pursuant to section 304(a) of the Clean Air Act ("CAA"), 42 U.S.C. 7604(a), alleged that EPA failed to perform the following nondiscretionary duties: Determine whether the Dallas/Fort Worth ozone nonattainment area ("DFW") had attained the 1-hour national ambient air quality standard ("NAAQS") and take final action by the statutory deadline on two state implementation plan ("SIP") revisions for DFW. The proposed Consent Decree provides that EPA will take final action on certain SIP revisions within a specified period of time.

DATES: Written comments on the proposed settlement agreements must be received by July 5, 2005.

ADDRESSES: Submit your comments, identified by docket ID number OGC-2005-0006, online at <http://www.epa.gov/edocket> (EPA's preferred method); by e-mail to 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.

SUPPLEMENTARY INFORMATION: The Blue Skies Alliance filed suit under section 304(a) of the CAA, 42 U.S.C. 7604(a), in the United States District Court for the

Northern District of Texas. *Blue Skies Alliance et. al v. United States Environmental Protection Agency*, Civil Action No. 3:04-CIV-2169-N (N.D. TX). In the complaint, Blue Skies alleged that EPA: (1) Failed to perform a nondiscretionary duty to determine whether the DFW had attained the 1-hour NAAQS pursuant to section 181(b)(2) of the CAA, 42 U.S.C. 7511(b)(2); and (2) failed to perform a nondiscretionary duty to take final action by the statutory deadline, pursuant to section 110(k)(2) of the CAA, 42 U.S.C. 7410(k)(2), on the Post-1996 Rate of Progress SIP for DFW and the attainment demonstration SIP for DFW submitted to EPA on April 25, 2000.

The proposed Consent Decree provides that no later than December 1, 2005, EPA shall sign for publication in the **Federal Register** a notice(s) of final rulemaking to approve or disapprove, in whole or in part, three programs that were submitted as part of the attainment demonstration SIP: (1) The Texas Emission Reduction Plan SIP revision, (2) the Voluntary Mobile Source Emission Reduction Program SIP revision, and (3) the Transportation Control Measures SIP revision. Once EPA has completed these obligations, and the actions have been published in the **Federal Register**, the case will be dismissed with prejudice.

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, following the comment period, that consent is inappropriate, the Consent Decree will be final.

Dated: May 25, 2005.

Richard B. Ossias,

Acting Associate General Counsel.

[FR Doc. 05-10992 Filed 6-1-05; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[OPP-2005-0088; FRL-7706-1]

Pesticides; Revised Fee Schedule for Registration Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is publishing a revised list of pesticide registration service fees applicable to specified pesticide applications and tolerance actions. Under the Pesticide Registration Improvement Act (PRIA), the registration service fees for covered pesticide registration applications received on or after October 1, 2005, increase by 5 percent from the fees originally published in the March 17, 2004, **Federal Register** Notice (69 FR 12772). This revised fee schedule becomes effective on October 1, 2005. The publication of this fee schedule is required by section 33(b)(6)(B) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended by the Consolidated Appropriations Act of 2004.

FOR FURTHER INFORMATION CONTACT: Elizabeth Leovey, (7501C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-7090; fax number: (703) 308-4776; e-mail address: leovey.elizabeth@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you register pesticide products, or engage in animal or crop production, food processing or public health activities that use pesticides. Potentially affected entities may include, but are not limited to:

- Crop production - NAICS Code 111
- Animal production - NAICS Code 112
- Food processing - NAICS Code 311
- Pesticide manufacturers - NAICS Code 32532

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether

you or your business may be affected by this action, you should carefully examine the applicability provisions in Unit III. of this document. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

1. Docket. EPA has established an official public docket for this action under docket identification number OPP-2005-0088. The official public docket 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 docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305-5805.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr/>.

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 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. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select "search," then key in the appropriate docket ID number.

II. Background

A. What Action is the Agency Taking?

The Consolidated Appropriations Act of 2004, signed by President Bush on January 23, 2004, established a new section 33 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), creating a registration service fee system for applications for specified pesticide