

public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the docket ID number identified above.

Any comments related to this ICR should be submitted to EPA and OMB within 30 days of this notice. EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EDOCKET as EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose public 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 EDOCKET. The entire printed comment, including the copyrighted material, will be available in the public docket. Although identified as an item in the official docket, information claimed as CBI, or whose disclosure is otherwise restricted by statute, is not included in the official public docket, and will not be available for public viewing in EDOCKET. For further information about the electronic docket, see EPA's **Federal Register** notice describing the electronic docket at 67 *FR* 38102 (May 31, 2002), or go to <http://www.epa.gov/edocket>.

**Title:** NSPS for Small Industrial-Commercial-Institutional Steam Generating Units (40 CFR part 60, subpart Dc) (Renewal).

**Abstract:** The New Source Performance Standards (NSPS) for small industrial-commercial-institutional steam generating units, published at 40 CFR part 60, subpart Dc, were proposed on June 9, 1989, and promulgated on September 12, 1990. These standards apply to industrial-commercial-institutional steam generating units with maximum design heat input capacity of 29 megawatts (MW) (100 million Btu/hr) or less, but greater than or equal to 2.9 MW (10 million Btu/hr), commencing construction, modification, or reconstruction after June 9, 1989. The standards limit the emissions of sulfur dioxide (SO<sub>2</sub>) and particulate matter (PM). For the purposes of this document, new units are those affected units that have had construction, modification, or reconstruction within the last three years. This information is being collected to assure compliance with 40 CFR part 60, subpart Dc.

In general, all NSPS standards require initial notifications, performance tests, and periodic reports. Owners or operators are also required to maintain records of the occurrence and duration

of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all sources subject to NSPS.

Any owner or operator subject to the provisions of this part shall maintain a file of these measurements, and retain the file for at least two years following the date of such measurements, maintenance reports, and records. All reports are sent to the delegated state or local authority. In the event that there is no such delegated authority, the reports are sent directly to the United States Environmental Protection Agency (EPA) regional office. Once received by the authority, reports are reviewed and the data is entered, analyzed, and maintained in the Air Facility System (AFS). Information from these reports can be used by any of the regions, states, agencies or offices with access to AFS and may be used in determining where inspections and enforcement actions may be necessary.

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 are listed in 40 CFR part 9 and 48 CFR chapter 15, and are identified on the form and/or instrument, if applicable.

**Burden Statement:** The annual public reporting and recordkeeping burden for this collection of information is estimated to average 287 hours per response. 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:** Owners or operators of small industrial-commercial-institutional steam generating units commencing construction, modification, or reconstruction after June 9, 1989.

**Estimated Number of Respondents:** 235.

**Frequency of Response:** Initially; Semi-annually; On occasion.

**Estimated Total Annual Hour Burden:** 156,610 hours.

**Estimated Total Annual Costs:** \$19,653,054, which includes \$1,491,005 annualized capital/startup costs, \$7,955,140 annual O&M costs, and \$10,206,909 annual labor costs.

**Changes in the Estimates:** There is a decrease of 276,157 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This decrease is primarily due to a decrease in the expected number of new sources over the next three years and the resulting decrease in the burden associated with submitting notifications.

Dated: September 5, 2004.

**Oscar Morales,**

*Director, Collection Strategies Division.*

[FR Doc. 04-20909 Filed 9-15-04; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7813-2]

### Notice of Proposed Administrative Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as Amended by the Superfund Amendments and Reauthorization Act; 38th Street Radiation Removal Site

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

**ACTION:** Notice, request for public comments.

**SUMMARY:** In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9622(h)(1), notice is hereby given of a proposed Administrative Order on Consent ("AOC, Region 9 Docket No. 2004-00015) pursuant to section 122(h)(1) of CERCLA concerning the 38th Street Radiation Removal Site (the "Site"), located in San Diego, California. The respondent to the AOC is California Department of Transportation ("Cal-Trans"). The AOC provides Cal-Trans with a covenant not to sue and contribution protection for the removal action at the Site. To date, EPA has incurred approximately \$967,836.00 in response costs related to the Site. Cal-Trans is reimbursing \$84,301.53 of the incurred response costs to EPA, consistent with EPA's determination of \$84,301.53 Cal-Trans' ability to pay. For

thirty (30) days following the date of publication of this Notice, the Agency will receive written comments relating to the proposed AOC. The Agency's response to any comments will be available to public inspection at EPA's Region IX offices, located at 75 Hawthorne Street, San Francisco, California 94105.

**DATES:** Comments must be submitted on or before October 18, 2004.

**ADDRESSES:** The proposed Agreement may be obtained from Judith Winchell, Environmental Protection Specialist, telephone (415) 972-3124. comments regarding the proposed Agreement should be addressed to Judith Winchell (SFD-7) at EPA, Region IX, 75 Hawthorne Street, San Francisco, California 94105, and should reference the 38th Street Radiation Removal Site, San Diego, California and USEPA Docket No. 2004-008.

**FOR FURTHER INFORMATION CONTACT:** Andrew Helmlinger, Office of Regional Counsel, telephone (415) 972-3904, USEPA Region IX, 75 Hawthorne Street, San Francisco, California 94105.

Dated: September 8, 2004.

**Pete Guria,**

*Acting Chief, Response, Planning, and Assessment Branch.*

[FR Doc. 04-20895 Filed 9-15-04; 8:45 am]

**BILLING CODE 6560-50-M**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7813-8]

### Proposed Modification of National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges From Construction Activities; Notice

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

**ACTION:** Notice of proposed general permit modification.

**SUMMARY:** Today's action proposes modification of permit conditions specific to construction activities covered under EPA's National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges From Construction Activities. The general permit is available for use where EPA is the NPDES permitting authority in EPA Regions 1-3 and 5-10. Coverage under the general permit authorizes the discharge of storm water from construction activities consistent with the terms of the permit. The proposed revisions clarify that permit noncompliance only applies to sites

with permit coverage. In addition, this proposed modification includes correction of a typographical error in the permit and a corresponding error in the fact sheet.

**DATES:** Comments on today's proposed modifications must be received no later than October 18, 2004.

**FOR FURTHER INFORMATION CONTACT:** Jack Faulk, (202) 564-0768; [faulk.jack@epa.gov](mailto:faulk.jack@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### A. How Can I Get Copies of the Proposed Permit Modification and Related Materials?

1. *Docket.* EPA has established an official public docket for the Construction General Permit: Docket ID No. OW-2002-0055.

The official public docket consists of the documents specifically referenced in the Construction General Permit, any public comments received, proposed modifications, and other information related to the permit. 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 Water Docket in the EPA Docket Center, (EPA/DC) EPA West, Room B135, 1301 Constitution Avenue, 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 Water Docket is (202) 566-2426.

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/>.

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 docket identification number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI, and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public

docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. 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 section I.A. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

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 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. 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 EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered in paper to the Docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

For additional information about EPA's electronic public docket, visit EPA Dockets online or see 67 FR 38102, May 31, 2002.

##### B. 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 docket identification number 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