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An appropriate amendment to 39 CFR part 111 will be published if the proposal is adopted.

Neva R. Watson,

Attorney, *Legislative*.

[FR Doc. 04-13347 Filed 6-14-04; 8:45 am]

BILLING CODE 7710-12-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[FRL-7773-3]

Clean Air Act Operating Permit Program; Petition for Objection to Proposed State Operating Permit for Shintech, Inc. and Its Affiliates Polyvinyl Chloride (PVC) Plant, Addis, West Baton Rouge Parish, LA

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final order on petition to object to State operating permit.

SUMMARY: This notice announces that the EPA Administrator has denied a petition to object to a State operating permit issued by the Louisiana Department of Environmental Quality for Shintech, Inc. and its Affiliates (Shintech) PVC plant in Addis, West Baton Rouge Parish, Louisiana. Pursuant to section 505(b)(2) of the Clean Air Act (Act), the Petitioners may seek judicial review of those portions of the petition which EPA denied in the United States Court of Appeals for the appropriate circuit within 60 days of this decision under Section 307 of the Act.

ADDRESSES: You may review copies of the final order, the petition, and other supporting information at EPA, Region 6, 1445 Ross Avenue, Dallas, TX 75202-2733. If you wish to examine these documents, you should make an appointment at least 24 hours before visiting day. The final order is also available electronically at the following address: http://kodiak.r07.epa.gov/region07/programs/artd/air/title5/petitiondb/petitions/shintech_decision1999.pdf.

FOR FURTHER INFORMATION CONTACT: Mr. Rick Barrett, Air Permits Section, Multimedia Planning and Permitting Division, EPA, Region 6, 1445 Ross Avenue, Dallas, TX 75202-2733, telephone (214) 665-7227, or e-mail at barrett.richard@epa.gov.

SUPPLEMENTARY INFORMATION: The Act affords EPA a 45-day period to review,

and object to as appropriate, operating permits proposed by State permitting authorities. Section 505(b)(2) of the Act authorizes any person to petition the EPA Administrator within 60 days after the expiration of this review period to object to State operating permits if EPA has not done so. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the State, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or the grounds for the issues arose after this period.

On August 31, 1999, Ms. Marylee Orr, on behalf of the Alliance Against Waste and Action to Restore the Environment and the Louisiana Environmental Action Network (petitioner), petitioned EPA to object to the issuance of a permit to Shintech Inc. and its Affiliates (Shintech). The petition raised six objections to the Shintech permit: (1) The permit will inhibit reasonable further progress in the Baton Rouge ozone nonattainment area, and as such, is not in accordance with the Act; (2) the most recent State Implementation Plan dated January 2, 1997, fails to meet the requirements of section 182(c)(2)(A) of the Act in that it fails to provide for attainment of the ozone standard by the applicable attainment date; (3) although the proposed plant is considered a minor source, it will become a major source when the area is reclassified to severe,¹ and thus should be required to meet the prevention of significant deterioration and reasonably available control technology requirements now because it is easier to apply these requirements prior to construction than after operation begins; (4) certain emission calculations in the permit application are incorrect; (5) the proposed permit does not meet the appropriate maximum achievable control technology standards; and (6) EPA Region 6 management failures.

On July 3, 2003, the Administrator issued an order denying the petition. The order explains the reasons for the Administrator's decision.

Dated: May 28, 2004.

Richard E. Greene,

Regional Administrator, Region 6.

[FR Doc. 04-13408 Filed 6-14-04; 8:45 am]

BILLING CODE 6560-50-P

¹ The Baton Rouge nonattainment area was recently reclassified as a severe nonattainment area for ozone. 68 FR 20077 (April 24, 2003).

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 282

[FRL-7657-5]

Underground Storage Tank Program: Approved State Program for West Virginia

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to codify the previously authorized underground storage tank (UST) program of the State of West Virginia. This codification reflects the State's program in effect at the time EPA granted West Virginia approval (September 23, 1997). In the "Rules and Regulations" section of this **Federal Register**, EPA is codifying the program by an immediate final rule. EPA did not make a proposal prior to the immediate final rule because we believe this action is not controversial and do not expect comments that oppose it. We have explained the reasons for this codification in the preamble to the immediate final rule. Unless we get written comments which oppose this codification during the comment period, the immediate final rule will become effective on the date it establishes, and we will not take further action on this proposal. If we get comments that oppose this action, we will withdraw the immediate final rule and it will not take effect. We will then respond to public comments in a later final rule based on this proposal. You may not have another opportunity for comment. If you want to comment on this action, you must do so at this time.

DATES: Send your written comments by July 15, 2004.

ADDRESSES: Send written comments to Ms. Rosemarie Nino, Mailcode 3WC21, RCRA State Programs Branch, U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103-2029, Phone number: (215) 814-3377. Comments may also be submitted electronically through the Internet to:

nino.rose@epa.gov or by facsimile at (215) 814-3163. You can examine copies of the codification materials during normal business hours at the following location: EPA Region III Library, 2nd Floor, 1650 Arch Street, Philadelphia, PA 19103-2029, Phone number: (215) 814-5254.

FOR FURTHER INFORMATION CONTACT: Ms. Rosemarie Nino, Mailcode 3WC21, RCRA State Programs Branch, U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103-2029, Phone (215) 814-3377.