

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 51 and 52**

[FRL-7999-2, E-Docket ID No. OAR-2005-0163]

Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR), and New Source Performance Standards (NSPS): Emissions Test for Electric Generating Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Announcement of public hearing and extension of comment period.

SUMMARY: The EPA is announcing a public hearing to be held on December 9, 2005 and an extension of the public comment period on our proposed changes to the New Source Review (NSR) permitting program at 70 FR 61081. (October 20, 2005). The proposed changes would revise the emissions test for existing electric generating units (EGUs) that are subject to the regulations governing the Prevention of Significant Deterioration and nonattainment major NSR programs mandated by parts C and D of title I of the Clean Air Act (CAA). We also solicited comment on a proposed revised emissions test under the New Source Performance Standards (NSPS) regulations. The public hearing will provide interested parties the opportunity to present data, views, or arguments concerning these proposed changes. The EPA is also extending the public comment period from December 19, 2005 to February 17, 2006. The EPA is holding the public hearing and extending the public comment period by 60 days because of the number of requests we received in a timely manner.

DATES: *Comments:* Comments must be received on or before February 17, 2006.

Public Hearing: The public hearing will convene at 9 a.m. and continue until at least 7 p.m., or until the last registered speaker has spoken, but no later than 9 p.m., on December 9, 2005. People wishing to present oral testimony are strongly encouraged to register before the hearing, unregistered speakers will be accommodated to the extent time is available. The public hearing will close at 12 noon for lunch and reconvene at 1 p.m. The public hearing will close at 5:30 p.m. for dinner and reconvene at 6:30 p.m. For updates and additional information on the public hearing, please check EPA's

web site for this rulemaking at <http://www.epa.gov/nsr>.

ADDRESSES: *Public Hearing:* The public hearing will be held at the U.S. Environmental Protection Agency, 109 TW Alexander Drive, Research Triangle Park, North Carolina 27709, Building C, in Auditorium C111. Because this hearing is being held at U.S. government facilities, everyone planning to attend the hearing should be prepared to show valid picture identification to the security staff in order to gain access to the meeting room. In addition, you will need to obtain a property pass for any personal belongings you bring with you. Upon leaving the building, you will be required to return this property pass to the security desk. No large signs will be allowed in the building and demonstrations will not be allowed on Federal property for security reasons. Directions to the EPA Campus are available on the internet at <http://www.epa.gov/rtp/facilities/maindirections.htm>, along with a map showing the area designated for visitor parking. From there, walk toward the main facility and enter the center building (by the U.S. and EPA flags).

Comments: Submit your comments, identified by Docket ID No. OAR-2005-0163 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: a-and-r-docket@epamail.epa.gov.
- Fax: 202-566-1741.
- Mail: Attention Docket ID No. OAR-2005-0163, U.S. Environmental Protection Agency, EPA West (Air Docket), 1200 Pennsylvania Avenue, Northwest, Mail Code: 6102T, Washington, DC 20460. In addition, please mail a copy of your comments on the information collection provisions to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attn: Desk Officer for OMB, 725 17th Street, Northwest, Washington, DC 20503.

• *Hand Delivery:* U.S. Environmental Protection Agency, EPA West (Air Docket), 1301 Constitution Avenue, Northwest, Room B102, Washington, DC 20004, Attention Docket ID No. OAR-2005-0163. 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-2005-0163. 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](http://www.epa.gov/regulations.gov), or e-mail. The EPA EDOCKET and the Federal [regulations.gov](http://www.regulations.gov) websites 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](http://www.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, avoid 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).

FOR FURTHER INFORMATION CONTACT: Ms. Janet McDonald at (919) 541-1450, telefax (919) 541-5509, E-mail: mcdonald.janet@epa.gov or by mail at U.S. Environmental Protection Agency, OAQPS, Information Transfer and Program Integration Division, (C339-03), Research Triangle Park, North Carolina 27711. As of the date of this announcement, the Agency intends to proceed with the hearings as announced; however, unforeseen circumstances may result in a postponement. Therefore, members of the public planning to attend any of these hearings are advised to check our Web site at <http://www.epa.gov/nsr/>. Members of the public may also contact Ms. Chandra Kennedy, U.S. Environmental Protection Agency, OAQPS, Information Transfer and Program Integration Division, (C339-

03), Research Triangle Park, North Carolina 27711; telephone (919) 541-5319 or E-mail kennedy.chandra@epa.gov, to confirm the December 9, 2005 meeting location and date. If you would like to speak at this hearing, you should also contact Ms. Chandra Kennedy no later than December 2, 2005 and provide an electronic copy of your presentation for distribution to hearing attendees and for inclusion in E-Docket ID No. OAR-2005-0163. Oral testimony will be limited to 5 minutes per commenter. The EPA may ask clarifying questions during the oral presentations, but will not respond to the presentations or comments at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as any oral comments and supporting information presented at the public hearing. Verbatim transcripts and written statements will be included in the rulemaking docket. The agenda will be provided to the speakers no later than December 5, 2005, along with written hearing ground rules and the Federal building safety requirements. For updates and additional information on the public hearing, please check EPA's website for this rulemaking at <http://www.epa.gov/nsr/>.

SUPPLEMENTARY INFORMATION: Public Hearing: The EPA's planned seating arrangement for the hearing is theater style, with seats available on a first come, first served basis, for about 300 people. An agenda, the hearing ground rules, and instructions on how to comment will be provided at the hearing.

Comments: This notice extends the public comment period established in the **Federal Register** published on October 20, 2005 (70 FR 61081). In that notice, EPA proposed changes to the NSR and NSPS regulations. The EPA is hereby extending the comment period, which was set to end on December 19, 2005, to February 17, 2006.

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 U.S. Environmental Protection Agency, EPA West (Air Docket), 1301 Constitution Avenue,

Northwest, Room B102, Washington, DC. Attention Docket ID No. OAR-2005-0163. 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.

Dated: November 15, 2005.

Alan C. Rush,

Acting Director, Office of Air Quality Planning and Standards.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[OAR-2005-0153; FRL-7997-1]

RIN 2060-AJ71

Control of Air Pollution From New Motor Vehicles; Revisions to Motor Vehicle Diesel Fuel Sulfur Transition Provisions; and Technical Amendments to the Highway Diesel, Nonroad Diesel, and Tier 2 Gasoline Programs

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule.

SUMMARY: The highway diesel fuel sulfur program, finalized in 2001, is resulting in the nationwide transition in 2006 of most diesel fuel from low-sulfur diesel (LSD) to ultra-low sulfur diesel (ULSD). Some in the diesel fuel production and distribution industries have indicated that they may be unable to complete the transition to ULSD by the current deadlines at the very furthest reaches the distribution system. In response, today's proposed action would make limited changes to the transition provisions for entities in the highway diesel distribution system. These proposed changes finely balance the concerns of the fuel industry with the critical need for ULSD to be available for 2007 diesel vehicles and engines. The impacts of the recent hurricanes along the Gulf Coast of the U.S. are not a contributing factor in today's proposed action, and there would be no change in the June 1, 2006 start date for refiners to be producing ULSD (15 ppm sulfur).

We propose to extend the ULSD implementation dates for terminals and retail outlets by 45 days. Thus, terminals would have until September 1, 2006 (vs. July 15) and retailers would have until October 15, 2006 (vs.

September 1) to complete their transitions to ULSD. We also propose that downstream of the refinery fuel slightly higher than 15 ppm sulfur could temporarily be sold as ULSD. In addition, we propose to extend the beginning of the restriction on how much ULSD can be downgraded to higher sulfur fuel by 15 days, to October 15, 2006 to be consistent with the end of the proposed new transition dates. The rule also includes proposed corrections to the recordkeeping and reporting requirements under the highway diesel and also proposes several minor amendments to the highway diesel sulfur, nonroad diesel sulfur, and gasoline sulfur programs to correct errors or omissions in the regulations.

DATES: Written comments must be received by December 22, 2005. More information about commenting on this action may be found under Public Participation in **SUPPLEMENTARY INFORMATION**, below.

ADDRESSES: For detailed instructions on submitting comments and additional information on the rulemaking process, see the "Public Participation" heading of the **SUPPLEMENTARY INFORMATION** section of this document. This proposed rule and the accompanying direct final rule are available electronically on the day of publication from the Office of the Federal Register internet Web site listed below. Prepublication electronic copies of these notices are also available from the EPA Office of Transportation and Air Quality Web site listed below. This service is free of charge, except for any cost that you already incur for internet connectivity.

Federal Register Web Site: <http://www.epa.gov/docs/fedrgrstr/EPA-AIR/> (Either select desired date or use Search feature.)

Office of Transportation and Air Quality Web Site: <http://www.epa.gov/otaq/> (Look in "What's New" or under the specific rulemaking topic.)

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EPA has established a docket for this action under Docket ID No. OAR-2005-0153. 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., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material,