

- Keeping inspection records promotes important maintenance, facilitates leak detection, and demonstrates compliance with the SPCC requirements; and

- Reviewing the Plan periodically ensures the implementation of more effective spill prevention control technology.

Although the facility is the primary user of the data, EPA uses the data in certain situations. EPA's primary use of the data contained in an SPCC Plan is to ensure that a facility is in full compliance with all elements of the SPCC regulation, including design and operation specifications and inspection requirements. EPA reviews SPCC Plans as part of EPA's inspection program and when information is submitted because of an oil discharge. A Regional Administrator may require a facility owner or operator to amend the SPCC Plan if he finds that the facility has not met the requirements of the regulation or that Plan amendment is necessary to prevent and contain discharges of oil. If a facility does not amend its SPCC Plan, it may face civil penalties under the Clean Water Act.

State and local governments are also users of the data. The information provided in SPCC Plans (e.g., facility configuration, capabilities, and potential risks) is not necessarily available elsewhere and can greatly assist local emergency preparedness planning efforts. The Plan should be compatible and coordinated with local emergency plans, including those developed under Title III of the Superfund Amendments and Reauthorization Act of 1986 (Pub. L. 99-499). Coordination with state governments is facilitated by the provision in § 112.4(c) requiring that, after certain discharges, information on the discharge be sent to the relevant state agencies. The flexibility with respect to formatting proposed in this rule promotes greater coordination with State planning efforts because the use of plans prepared pursuant to state regulations is encouraged.

EPA is currently involved in an effort to estimate the universe of facilities regulated by the SPCC rule. The purpose of this effort is to include the full range of industries and number of affected facilities impacted by this rule. Given that the information used in this ICR is based on analysis and data collected between 1990 and 1996, we believe more current data will more accurately reflect today's situation and give EPA and the universe of regulated facilities a truer picture of the impact of the regulation.

None of the information to be gathered for this collection is believed

to be confidential. 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 in 40 CFR are listed in 40 CFR part 9.

The EPA would like to solicit comments to:

- (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

- (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, 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:** An estimated 427,211 existing facilities and 4,372 new facilities are subject to the SPCC regulations in the first year of this ICR period. The breakdown by facility size is estimated to be 355,550 small facilities, 64,283 medium facilities, and 11,750 large facilities subject to the information collection activities. A 1 percent annual growth rate is assumed to continue for the duration of this ICR.

The total hour burden to the entire regulated community over the three-year period covered by the renewal ICR is approximately 5,196,061 hours, or 1,732,020 hours annually. The net annual public reporting and recordkeeping burden for this collection of information, for newly regulated facilities is estimated to range from 35.1 to 65.2 hours per facility, with an average burden of approximately 38.0 hours, including time for reviewing instructions and gathering the data needed. The net annual public reporting and recordkeeping burden for facilities already regulated by the Oil Pollution Prevention regulation is estimated to range from 3.5 to 7.35 hours. These average annual burden estimates take into account the varied frequencies of response for individual facilities according to characteristics specific to those facilities, including frequency of oil discharges and facility modifications.

For the typical existing small, medium, and large facility, the estimated total annual baseline costs for all information collection activities required by the SPCC regulation are \$200, \$199, and \$345 per facility, respectively. For typical new small, medium, and large facility, the total annual baseline costs for all information collection activities required by the Oil Pollution Prevention regulation are estimated to be \$2,695, \$2,744, and \$3,354 per facility, respectively. Estimated annual costs for new facilities are higher than for existing facilities because of the greater expense associated with initially preparing the Plan. Starting in the third year of this ICR, the net annualized capital and start-up costs for all facilities average \$0.3 million, and net annualized labor and O&M costs are \$74.5 million and \$26.3 million, respectively.

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: November 29, 2004.

**Dana S. Tulis,**

*Deputy Director, Office of Emergency Management.*

[FR Doc. 04-27262 Filed 12-10-04; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7847-3]

### Proposed Settlement Agreement, Clean Air Act Citizen Suit

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

**ACTION:** Notice of Proposed Settlement Agreement; 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 proposed settlement agreement, to address a lawsuit filed by

Automotive Refrigeration Products Institute, Automotive Aftermarket Industry Association, and Interdynamics (collectively, "Petitioners"): *Automotive Refrigeration Products Institute, and Automotive Aftermarket Industry Association, et al. v. EPA*, No. 04-1158 (DC Cir.) (consolidated with No. 04-1159). On May 11, 2004, Petitioners filed petitions for review challenging the EPA's final rule entitled "Protection of Stratospheric Ozone; Refrigerant Recycling Substitute Refrigerants" published on March 12, 2004 (69 FR 11945). Under the terms of the proposed settlement agreement, EPA will undertake rulemaking acting to make certain corrections to the rule at issue. EPA will provide notice in the **Federal Register** and an opportunity for public comment. No later than 60 days after the date this Agreement becomes final, EPA shall sign either a notice of proposed rulemaking or a notice of direct final rulemaking and concurrent proposal to correct definitions of "refrigerant" and "technician" and to ensure that it remains illegal to knowingly vent certain substances during described activities.

**DATES:** Written comments on the proposed settlement agreement must be received by January 12, 2005.

**ADDRESSES:** Submit your comments, identified by docket ID number OGC-2004-0011, online at <http://www.epa.gov/edocket> (EPA's preferred method); by e-mail to [oei.docket@epa.gov](mailto: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.

**FOR FURTHER INFORMATION CONTACT:** Padmini Singh, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone: (202) 564-5641.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Additional Information About the Proposed Settlement**

Petitioners filed petitions for review of EPA's final rule entitled "Protection

of Stratospheric Ozone; Refrigerant Recycling; Substitute Refrigerants, 69 FR 11945 (March 12, 2004), challenging the final rule. Once implemented the Settlement Agreement (the "Agreement") would resolve these petitions for review. The Agreement, which is subject to CAA section 113(g), provides that EPA shall sign either a notice of proposed rulemaking or a notice of direct final rulemaking and concurrent proposal to correct the definitions of "refrigerant" and "technician." In addition, EPA will propose to amend 40 CFR 82.154(a) to ensure that it will continue to be illegal to knowingly vent pure HFCs, pure PFCs, class I or class II ozone-depleting substance, and blends of these substances during the service, maintenance, repair, or disposal of appliances.

The Agreement also provides that within five days of its execution by the Parties but before the Agreement becomes final, the Parties shall file a joint motion with the Court notifying it of this Agreement and requesting that this case be held in abeyance pending implementation of the terms of the Agreement. Petitioners agree to voluntarily dismiss this case within 30 days of final agency action if EPA takes action as described in the Agreement.

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 settlement agreement 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 settlement agreement 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, based on any comment which may be submitted, that consent to the settlement agreement should be withdrawn, the terms of the agreement will be affirmed.

##### **II. Additional Information About Commenting on the Proposed Settlement**

###### **A. How Can I Get A Copy of the Settlement?**

EPA has established an official public docket for this action under Docket ID No. OGC-2004-0011 which contains a copy of the settlement. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room B102,

1301 Constitution Ave., 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 OEI Docket is (202) 566-1752.

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 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 appropriate docket identification number.

It is important to note that EPA's policy is that public comments, whether submitted electronically or on 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. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in EPA's electronic public docket. EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

###### **B. How and To Whom Do I Submit Comments?**

You may submit comments as provided in the **ADDRESSES** section. 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 required to consider these late comments.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment and with any disk or CD ROM you submit. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical

difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. 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.

Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment. In contrast to EPA's electronic public docket, EPA's electronic mail (e-mail) system is not an "anonymous access" system. If you send an e-mail comment directly to the Docket without going through EPA's electronic public docket, your e-mail address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

Dated: December 2, 2004.

**Lisa K. Friedman,**

*Associate General Counsel, Air and Radiation Law Office, Office of General Counsel.*

[FR Doc. 04-27259 Filed 12-10-04; 8:45 am]

**BILLING CODE 6560-50-P**

## FARM CREDIT ADMINISTRATION

### Farm Credit Administration Board; Amendment to Sunshine Act Meeting

**AGENCY:** Farm Credit Administration.  
**SUMMARY:** Pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), the Farm Credit Administration gave notice on December 6, 2004 (69 FR 70443) of the regular meeting of the Farm Credit Administration Board (Board) scheduled for December 9, 2004. This notice is to amend the agenda by moving an item from the open to the closed session of that meeting.

**FOR FURTHER INFORMATION CONTACT:**

Jeanette C. Brinkley, Secretary to the Farm Credit Administration Board, (703) 883-4009, TTY (703) 883-4056.

**ADDRESSES:** Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090.

**SUPPLEMENTARY INFORMATION:** Parts of this meeting of the Board were open to the public (limited space available), and parts were closed to the public. In order

to increase the accessibility to Board meetings, persons requiring assistance should make arrangements in advance. The agenda for December 9, 2004, is amended by moving the following item to the closed session as follows:

#### Closed Session\*

- FCS of America Termination Summary.

Dated: December 9, 2004.

**Jeanette C. Brinkley,**

*Secretary, Farm Credit Administration Board.*

[FR Doc. 04-27380 Filed 12-9-04; 3:05 pm]

**BILLING CODE 6705-01-P**

## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than December 27, 2004.

**A. Federal Reserve Bank of Atlanta**  
(Sue Costello, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30303:

1. *Charles C. Brooks*, Crawford, Georgia; to acquire additional voting shares of TCB Bancshares, Inc., Crawford, Georgia, and thereby indirectly acquire voting shares of The Commercial Bank, Crawford, Georgia.

Board of Governors of the Federal Reserve System, December 7, 2004.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. 04-27255 Filed 12-10-04; 8:45 am]

**BILLING CODE 6210-01-S**

\* Session Closed-Exempt pursuant to 5 U.S.C. 552b(c)(4), (8) and (9).

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at [www.ffiec.gov/nic/](http://www.ffiec.gov/nic/).

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 6, 2004.

**A. Federal Reserve Bank of Dallas**  
(W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *SBT Bancshares, Inc.*, Irving, Texas, and SBT Bancshares of Delaware, Inc., Wilmington, Delaware; to become bank holding companies by acquiring 100 percent of the voting shares of State Bank of Texas, Irving, Texas.

Board of Governors of the Federal Reserve System, December 7, 2004.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. 04-27254 Filed 12-10-04; 8:45 am]

**BILLING CODE 6210-01-S**