

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 125

[FRL-7468-6]

RIN 2040-AD62

National Pollutant Discharge Elimination System—Proposed Regulations To Establish Requirements for Cooling Water Intake Structures at Phase II Existing Facilities; Notice of Data Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; Notice of data availability.

SUMMARY: On April 9, 2002, EPA published proposed standards for cooling water intake structures at Phase II existing facilities as part of implementing section 316(b) of the Clean Water Act (CWA). This notice presents a summary of significant data EPA received or collected since proposal, a discussion of how EPA is considering using these data in revised analyses supporting the rule, a discussion of some refinements that EPA is considering for the proposed regulatory requirements, and additional information regarding data quality. This notice also provides new information on a broader suite of technology options that may be appropriate for compliance at specific sites. EPA solicits public comment on the information presented in this notice and the record supporting this notice.

DATES: Comments on this notice of data availability and all aspects of the April 9, 2002, proposal must be received or postmarked on or before midnight June 2, 2003.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier. Mail comments to the Water Docket, Environmental Protection Agency, Mailcode: 4101T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attention Docket ID No. OW-2002-0049. Follow the detailed instructions as provided in Section I.B. of the **SUPPLEMENTARY INFORMATION** section for additional ways to submit comments.

FOR FURTHER INFORMATION CONTACT: For additional technical information contact Debra D. Hart at (202) 566-6379. For additional economic information contact Lynne Tudor, Ph.D. at (202) 566-1043. For additional biological information contact Dana A. Thomas, Ph.D. at (202) 566-1046. The e-mail address for the above contacts is rule.316b@epa.gov.

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I. General Information

A. *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 ID No. OW-2002-0049. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related

to this action. 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 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 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/>.

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.

Certain types of information will not be placed in EPA Dockets. Information claimed as confidential business information (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 Unit I.A1. 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 on paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and