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II. Entities Affected by This Rule

Industry category	NAICS code
Crop and Animal Production	111–112
Crude Petroleum and Natural Gas Extraction	211111
Coal Mining, Non-Metallic Mineral Mining and Quarrying	2121/2123/213114/213116
Electric Power Generation, Transmission, and Distribution	2211
Heavy Construction	234
Petroleum and Coal Products Manufacturing	324
Other Manufacturing	31–33
Petroleum Bulk Stations and Terminals	42271
Automotive Rental and Leasing	5321
Heating Oil Dealers	454311
Transportation (including Pipelines), Warehousing, and Marinas	482–486/488112–48819/4883/48849/492–493/71393
Elementary and Secondary Schools, Colleges	6111–6113
Hospitals/Nursing and Residential Care Facilities	622–623

The list of potentially affected entities in the above table may not be exhaustive. Our aim is to provide a guide for readers regarding those entities that EPA is aware potentially could be affected by this action. However, this action may affect other entities not listed in the table. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding section entitled **FOR FURTHER INFORMATION CONTACT**.

III. Statutory Authority

33 U.S.C. 1251 *et seq.*; 33 U.S.C. 2720; E.O. 12777 (October 18, 1991), 3 CFR, 1991 Comp., p. 351

IV. Background

On July 17, 2002, at 67 FR 47042, EPA published final amendments to the Spill Prevention, Control, and Countermeasure (SPCC) rule. The rule was effective August 16, 2002. The rule included dates in 112.3(a) and (b) by which a facility would have time to amend its SPCC Plan to conform with newly promulgated requirements and to implement its amended Plan (note that for facilities becoming operational after August 16, 2002, the rule contained dates for the preparation and

implementation of a Plan in compliance with the amended rule).

On January 9, 2003, EPA published both an interim final rule and a proposed rule. The interim final rule immediately extended the dates in 40 CFR 112.3(a) and (b) by sixty days. The proposed rule proposed extending the dates in those sections by one year.

V. Today’s Action

EPA is extending by eighteen months the compliance dates in § 112.3(a) and (b). Thus, an onshore or offshore facility that: (1) Was in operation on or before August 16, 2002 must maintain its Plan, but must amend it, if necessary to ensure compliance, on or before August 17, 2004, and must implement the amended Plan as soon as possible, but not later than February 18, 2005; (2) becomes operational after August 16, 2002 through February 18, 2005, and could reasonably be expected to have a discharge as described in 40 CFR 112.1(b), must prepare a Plan on or before February 18, 2005, and fully implement it as soon as possible, but not later than February 18, 2005; and (3) becomes operational after February 18, 2005, and could reasonably be expected to have a discharge as described in 40 CFR 112.1(b), must prepare and implement a Plan before it begins

operations. Today’s rule is immediately effective; EPA is invoking the exception to the 30-day notice requirement in the Administrative Procedure Act because the purpose of the rulemaking is to relieve a restriction (5 U.S.C. 553(d)(1)).

A. Comments¹

Extension of Time. The vast majority of commenters² supported an extension of time for compliance with the SPCC Plan amendments to allow the regulated community to undertake the various activities required to update (or prepare) their Plans, although one commenter believed that no additional time, other than the 60 days that EPA already provided, was needed. However, there was a broad range of times suggested by the commenters. Commenters supported the extension of compliance deadlines in a range from one to five years or “until all deficiencies are corrected.”

¹ This section, and section B below, contain a summary of the comments received on the proposal, and the Agency’s responses to such comments. For more detailed and additional information, see the response-to-comment document available in the docket for today’s rule.

² Commenters represented oil industry and electrical utility interests, as well as a number of other industrial commenters. In addition, a substantial number of Professional Engineers (PEs) submitted comments.