

**List of Subjects**

Environmental protection, Chemicals, Premanufacturer notices.

Dated: April 8, 2005,

**Vicki A. Simons,**

*Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.*

[FR Doc. 05-7589 Filed 4-14-05; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-7900-8]

**Water Pollution Control; Approval of Modification to Ohio's Approved National Pollutant Discharge Elimination System Permitting Program To Administer a State Sewage Sludge Management Program**

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

**ACTION:** Notice; approval of application.

**SUMMARY:** On March 16, 2005, pursuant to section 402(b) of the Clean Water Act (CWA), the Acting Regional Administrator for EPA, Region 5, approved the State of Ohio's modification of its existing National Pollutant Discharge Elimination System (NPDES) program to include the administration and enforcement of a state sewage sludge management program where it has jurisdiction.

**FOR FURTHER INFORMATION CONTACT:** John Colletti, at (312) 886-6106, NPDES Programs Branch, (WN-16)), EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, or electronically at [colletti.john@epa.gov](mailto:colletti.john@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document "we," "us," or "our" means EPA.

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**I. Introduction**

Ohio's application to modify its existing NPDES program to administer and enforce a state sewage sludge management program was submitted on May 12, 2004. Specifically, the state sought approval of a sludge management program which addresses the land application of sewage sludge, surface disposal of sewage sludge, and the landfilling of sewage sludge. The state's sludge management program does not extend to "Indian Country" as defined in 18 U.S.C. 1151, and will not include lands within the exterior boundaries of Indian reservations within or abutting the State of Ohio. Ohio did not seek approval for the incineration of sewage sludge or the land application of domestic septage. The sewage sludge management program is administered by the Ohio Environmental Protection Agency (Ohio EPA). Modifications were made to the program submittal based on discussions between EPA and Ohio EPA. These modifications are part of the record of the program application and review process.

**II. Was Notice Provided Seeking Public Comments on Ohio's Program Submittal?**

Ohio's application was described in the December 14, 2004 **Federal Register** at 69 FR 74522-74525, in which EPA requested public comments for a period of 45 days. Further notice was provided by way of publication in the following newspaper on December 14, 2004: The Blade (Toledo), and in the following newspapers on December 15, 2004: The Columbus Dispatch; The Cincinnati Enquirer; The Marietta Times, and; The Plain Dealer (Cleveland) in an effort to get wide coverage throughout the state. Additionally, notices were sent to all Ohio NPDES permitted facilities that would be impacted by the program and to people or organizations that Ohio EPA determined might have an interest in the program application. Copies of Ohio EPA's application package were available for public review at the EPA Region 5 Office and at Ohio EPA's regional offices and on their website.

**III. Was a Public Hearing Held?**

A public hearing was not held. The above notice explained that a hearing had not been scheduled and how a hearing could be requested. EPA will hold a public hearing whenever the Regional Administrator finds, on the basis of requests, a significant degree of public interest. No request for a hearing

was received during the public comment period and therefore, no hearing was held.

**IV. Did EPA Receive Any Public Comments?**

Pursuant to the public notice, we accepted written comments from the public postmarked on or before January 31, 2005. During the comment period, we received two comments. These commenters fully support the modification of the state's NPDES program to include the administration and enforcement of a sewage sludge management program.

**V. Does EPA's Approval Affect Indian Country (18 U.S.C. 1151) in Ohio?**

Ohio EPA did not seek approval to administer and enforce the state sewage sludge management program for activities occurring in Indian Country. Our approval does not authorize Ohio EPA to carry out its sewage sludge program in Indian Country. Therefore, our approval of the state's sewage sludge management program will have no effect in Indian Country where EPA continues to implement and administer the NPDES program.

**VI. Conclusion**

The Ohio Environmental Protection Agency has demonstrated that it adequately meets the requirements for program modification to include sewage sludge management (specifically, the land application of sewage sludge, surface disposal of sewage sludge, and the landfilling of sewage sludge) as defined in the Clean Water Act and 40 CFR parts 123, 501, and 503.

At this time, EPA is withholding authorization to administer the sewage sludge management program for the incineration of sewage sludge, the land application of domestic septage, and activities occurring in Indian Country, as mentioned above.

**VII. Federal Register Notice of Approval of State NPDES Programs or Modifications**

EPA must provide **Federal Register** notice of any action by the Agency approving or modifying a State NPDES program. The following table will provide the public with an up-to-date list of the status of NPDES permitting authority throughout the country. Today's **Federal Register** notice is to announce the approval of Ohio's authority to administer the sewage sludge management program.

## STATE NPDES PROGRAM STATUS

State	Approved State NPDES permit program	Approved to regulate Federal facilities	Approved State pretreatment program	Approved general permits program	Approved sludge management program
Alabama	10/19/79	10/19/79	10/19/79	06/26/91	.....
Arizona	12/05/02	12/05/02	12/05/02	12/05/02	03/31/04
Arkansas	11/01/86	11/01/86	11/01/86	11/01/86	.....
California	05/14/73	05/05/78	09/22/89	09/22/89	.....
Colorado	03/27/75	.....	.....	03/04/83	.....
Connecticut	09/26/73	01/09/89	06/03/81	03/10/92	.....
Delaware	04/01/74	.....	.....	10/23/92	.....
Florida <sup>1</sup>	05/01/95	.....	05/01/95	05/01/95	.....
Georgia	06/28/74	12/08/80	03/12/81	01/28/91	.....
Hawaii	11/28/74	06/01/79	08/12/83	09/30/91	.....
Illinois	10/23/77	09/20/79	.....	01/04/84	.....
Indiana	01/01/75	12/09/78	.....	04/02/91	.....
Iowa	08/10/78	08/10/78	06/03/81	08/12/92	.....
Kansas	06/28/74	08/28/85	.....	11/24/93	.....
Kentucky	09/30/83	09/30/83	09/30/83	09/30/83	.....
Louisiana	09/11/96	09/11/96	09/11/96	09/11/96	.....
Maine	01/12/01	01/12/01	01/12/01	01/12/01	.....
Maryland	09/05/74	11/10/87	09/30/85	09/30/91	.....
Michigan	10/17/73	12/09/78	04/16/85	11/29/93	.....
Minnesota	06/30/74	12/09/78	07/16/79	12/15/87	.....
Mississippi	05/01/74	01/28/83	05/13/82	09/27/91	.....
Missouri	10/30/74	06/26/79	06/03/81	12/12/85	.....
Montana	06/10/74	06/23/81	.....	04/29/83	.....
Nebraska	06/12/74	11/02/79	09/07/84	07/20/89	.....
Nevada	09/19/75	08/31/78	.....	07/27/92	.....
New Jersey	04/13/82	04/13/82	04/13/82	04/13/82	.....
New York	10/28/75	06/13/80	.....	10/15/92	.....
North Carolina	10/19/75	09/28/84	06/14/82	09/06/91	.....
North Dakota	06/13/75	01/22/90	.....	01/22/90	.....
Ohio	03/11/74	01/28/83	07/27/83	08/17/92	03/16/05
Oklahoma	11/19/96	11/19/96	11/19/96	09/11/97	11/19/96
Oregon	09/26/73	03/02/79	03/12/81	02/23/82	.....
Pennsylvania	06/30/78	06/30/78	.....	08/02/91	.....
Rhode Island	09/17/84	09/17/84	09/17/84	09/17/84	.....
South Carolina	06/10/75	09/26/80	04/09/82	09/03/92	10/22/01
South Dakota	12/30/93	12/30/93	12/30/93	12/30/93	.....
Tennessee	12/28/77	09/30/86	08/10/83	04/18/91	.....
Texas	09/24/98	09/24/98	09/24/98	09/24/98	09/24/98
Utah	07/07/87	07/07/87	07/07/87	07/07/87	06/14/96
Vermont	03/11/74	.....	03/16/82	08/26/93	.....
Virgin Islands	06/30/76	.....	.....	.....	.....
Virginia	03/31/75	02/09/82	04/14/89	04/20/91	.....
Washington	11/14/73	.....	09/30/86	09/26/89	.....
West Virginia	05/10/82	05/10/82	05/10/82	05/10/82	.....
Wisconsin	02/04/74	11/26/79	12/24/80	12/19/86	07/28/00
Wyoming	01/30/75	05/18/81	.....	09/24/91	.....
Totals	46	40	34	44	07

Number of Fully Authorized Programs (Federal Facilities, Pretreatment, General Permits) = 31.

Number of authorized Sludge Management Programs = 7.

<sup>1</sup> The Florida authorizations of 05/01/95 represents a phased NPDES program authorization to be completed by the year 2000.

## VIII. Administrative Requirements

### A. Endangered Species Act

Section 7(a)(2) of the Endangered Species Act (ESA), 16 U.S.C. 1536(a)(2), requires that federal agencies insure, in consultation with the United States Fish & Wildlife Service (FWS), that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of Federally-listed threatened or endangered species (listed species) or result in the destruction or adverse

modification of critical habitat designated for such listed species.

By letter dated November 24, 2004, we requested concurrence from the Reynoldsburg Ecological Services Field Office of the U.S. Fish and Wildlife Service (FWS) that approval of Ohio EPA to implement a sewage sludge management program would not have any direct effects on federally-listed species or critical habitat as the proposed action is an administrative shift of authority that is not associated with any physical action that will alter

habitat or affect biota. We received concurrence on February 7, 2005.

### B. National Historic Preservation Act

Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. 470(f), requires Federal agencies to take into account the effects of their undertakings on historic properties and to provide the Advisory Council on Historic Preservation (ACHP) an opportunity to comment on such undertakings. Under the ACHP's regulations (36 CFR part 800), agencies

consult with the appropriate State Historic Preservation Officer (SHPO) on federal undertakings that have the potential to affect historic properties listed or eligible for listing in the National Register of Historic Places.

By letter dated November 24, 2004, we requested concurrence from the State Historic Preservation Officer that approval of Ohio EPA to implement a sewage sludge management program would not have an adverse impact on historical and archeological resources. We received concurrence on January 4, 2005.

### C. Other Provisions

Based on General Counsel Opinion 78-7 (April 18, 1978), EPA has long considered a determination to approve or deny a State Clean Water Act (CWA) program submission to constitute an adjudication because an "approval," within the meaning of the Administrative Procedure Act (APA), constitutes a "licence," which, in turn, is the product of an "adjudication." For this reason, the statutes and Executive Orders that apply to rulemaking action are not applicable here.

**Authority for parts 123 and 501:** Clean Water Act, 33 U.S.C. 1251 *et seq.*

Dated: March 31, 2005.

**Norman Niedergang,**

*Acting Regional Administrator, Region 5.*

[FR Doc. 05-7578 Filed 4-14-05; 8:45 am]

**BILLING CODE 6560-50-P**

## 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 May 9, 2005.

**A. Federal Reserve Bank of Kansas City** (Donna J. Ward, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. *Signature Acquisition Company, Inc., and Signature Bancshares, Inc.*, both of Olathe, Kansas; to become bank holding companies by acquiring 100 percent of the voting shares of Citizens Agency, Inc., and Frontier Bank, both of Haddam, Kansas.

Board of Governors of the Federal Reserve System, April 11, 2005.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. 05-7541 Filed 4-14-05; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

[Document Identifier: OS-0990-0260]

### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Office of the Secretary.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to

minimize the information collection burden.

**#1 Type of Information Collection Request:** Extension of Currently Approved Collection;

**Title of Information Collection:** Protection of Human Subjects: Common Rule (56 FR 28003)

**Form/OMB No.:** OS-0990-0260;

**Use:** The Common Rule (56 FR 28003) establishes Federal policy for the protection of human subjects in research that is conducted or supported by Federal departments or agencies that are signatories to the Common Rule. The 1991 Common Rule requires institutions engaged in research which is covered by the Federal policy to establish procedures to report, disclose and maintain required information including information regarding the informed consent of research subjects and an institution's assurance of the establishment of an Institutional Review Board.

**Frequency:** Recordkeeping, Reporting on occasion;

**Affected Public:** State, local, or tribal governments, Federal government, business or other for-profit, not-for-profit institutions; and individuals or households;

**Annual Number of Respondents:** 5,000;

**Total Annual Responses:** 446,334;

**Average Burden Per Response:** 2.5 hours;

**Total Annual Hours:** 1,105,834.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access the HHS Web site address at <http://www.hhs.gov/oirm/infocollect/pending/> or e-mail your request, including your address, phone number, OMB number, and OS document identifier, to [naomi.cook@hhs.gov](mailto:naomi.cook@hhs.gov), or call the Reports Clearance Office on (202) 690-6162.

Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the OS Paperwork Clearance Officer designated at the following address: Department of Health and Human Services, Office of the Secretary, Assistant Secretary for Budget, Technology, and Finance, Office of Information and Resource Management, Attention: Naomi Cook (0990-0260), Room 531-H, 200 Independence Avenue, SW., Washington, DC 20201.

Dated: April 7, 2005.

**Robert E. Polson,**

*Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.*

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