

Dated: September 1, 2005.

Matthew Hale,

Director, Office of Solid Waste.

[FR Doc. 05-17818 Filed 9-7-05; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7965-9]

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 partial settlement agreement, to address a lawsuit filed by Environmental Defense, the Natural Resources Defense Council, the Sierra Club and Transportation Solutions Defense and Education Fund (collectively "Plaintiffs"): *Environmenatl Defense, et al. v. EPA, et al.*, No. 04-1291 (D.C. Cir.). On August 30, 2004, Plaintiffs filed a complaint challenging EPA's amendments to rules on determining conformity of federal transportation actions to State Implementation Plans (SIPs), issued under section 176(c) of the Act. Petitioners challenged several aspects of EPA's recent amendments to the transportation conformity rules addressing the new 8-hour ozone and P.M. 2.5 National Ambient Air Quality Standards. (69 FR 40,004, July 1, 2004).

DATES: Written comments on the proposed settlement agreement must be received by October 11, 2005.

ADDRESSES: Submit your comments, identified by docket ID number OGC-2005-0005, online at <http://www.epa.gov/edocket> (EPA's preferred method); by e-mail to 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: Sara Schneeberg, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Telephone: (202) 564-5592.

SUPPLEMENTARY INFORMATION:

I. Additional Information About the Proposed Settlement

EPA has agreed to take final action on further amendments to the transportation conformity rules to address requirements relating to PM 2.5 hotspots. EPA had indicated in the July 2004 final rule that the agency believed transportation conformity provisions relating to PM 2.5 hotspot air quality analyses would be appropriate, but the agency was not in a position to promulgate final regulations on that issue at that time. EPA indicated that it intended to take subsequent action with respect to this issue. Therefore, EPA proposes to enter into a settlement with Petitioners in which EPA will commit to take final action amending the conformity regulations to address PM 2.5 hotspot analyses by no later than March 31, 2006.

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-2005-0005 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 in 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 at 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 you 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 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 docket, and made available in EPA's electronic public docket.

Dated: August 31, 2005.

Richard B. Ossias,

Acting Associate General Counsel, Air and Radiation Law Office, Office of General Counsel/

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7965-8]

National Drinking Water Advisory Council; Request for Nominations

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The U.S. Environmental Protection Agency (EPA or Agency) invites all interested persons to nominate qualified individuals to serve a three-year term as members of the National Drinking Water Advisory Council (Council). This 15-member Council was established by the Safe Drinking Water Act (SDWA) to provide practical and independent advice, consultation, and recommendations to the Agency on the activities, functions, and policies and regulations required by the Safe Drinking Water Act. The terms of five (5) members—two (2) who represent local government agencies concerned with public water supply and public health protection, two (2) who are affiliated with water-related or other

organizations and interest groups having an active interest in public water supply/public health protection, and one (1) who speaks for the general public—expire in December 2005. EPA would like the preponderance of nominations to be in these three areas consistent with the mandates of the SDWA and the Agency encourages nominations of individuals who can represent small, rural public water systems (see Supplementary Information below). Although the Agency is identifying preferences, all nominations will be fully considered.

DATES: Submit nominations via U.S. mail on or before October 21, 2005.

ADDRESSES: Address all nominations to Clare Donaher, Designated Federal Officer, National Drinking Water Advisory Council, U.S. Environmental Protection Agency, Office of Ground Water and Drinking Water (Mail Code 4601-M), 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: E-mail your questions to Clare Donaher, Designated Federal Officer, donaher.clare@epa.gov, or call 202-564-3787.

SUPPLEMENTARY INFORMATION:

National Drinking Water Advisory Council: The Council consists of 15 members, including a Chairperson, appointed by the Deputy Administrator. Five members represent the general public; five members represent appropriate State and local agencies concerned with public water supply and public health protection; and five members represent private organizations or groups demonstrating an active interest in the field of public water supply and public health protection. The SDWA requires that at least two members of the Council represent small, rural public water systems. Additionally, members may be asked to serve on one of the Council's workgroups that are formed each year to assist EPA in addressing specific program issues. On December 15 of each year, five members complete their appointment. Therefore, this notice solicits nominations to fill the five vacancies with terms ending on December 15, 2008.

Persons selected for membership will receive compensation for travel and a nominal daily compensation (if appropriate) while attending meetings. The Council holds two face-to-face meetings each year, generally in the spring and fall. Conference calls will be scheduled if needed.

Nomination of a Member: Any interested person or organization may nominate qualified individuals for

membership. Nominees should be identified by name, occupation, position, address and telephone number. To be considered, all nominations must include a current resume, providing the nominee's background, experience and qualifications.

Dated: September 1, 2005.

Cynthia C. Dougherty,

Director, Office of Ground Water and Drinking Water.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7965-5]

National Environmental Justice Advisory Council; Notice of Charter Renewal

AGENCY: Environmental Protection Agency.

ACTION: Notice of charter renewal.

The Charter for the Environmental Protection Agency's (EPA) National Environmental Justice Advisory Council (NEJAC) will be renewed for an one-year period, in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. II § 9(c). The purpose of the NEJAC is to provide independent advice and recommendations to the Administrator on areas relating to environmental justice.

EPA has determined that the NEJAC is in the public interest and supports the Agency in performing its duties and responsibilities.

Inquiries may be directed to Charles Lee, NEJAC Designated Federal Officer, U.S. EPA, (mail code 2201A), 1200 Pennsylvania Avenue, NW, Washington, DC 20460.

Dated: September 1, 2005.

Barry E. Hill,

Director, Office of Environmental Justice, Office of Enforcement and Compliance Assurance.

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