

fact be little incentive for the pipeline to try to reduce those costs.

22. In ANR, the Commission found that the inclusion of a true-up mechanism in a tracker does not remove all incentives for the pipeline to reduce its fuel use. The Commission explained that pipelines do face some competitive pressures in obtaining marginal throughput, for example, obtaining customers with access to alternative fuels. Because the Commission has held that pipelines may not discount their fuel use percentages since those costs are variable, the only way a pipeline can reduce its fuel percentages in order to help obtain marginal business is by reducing its fuel usage.

23. Was the Commission's conclusion in ANR, that the benefits of requiring a true-up as part of a tracker outweigh the disadvantages of reduced incentives for efficient operation accurate? What impact does a true-up mechanism have on a pipeline's incentive to reduce fuel costs? Is there evidence that pipelines with tracker and true-up mechanisms operate less efficiently than pipelines without such mechanisms?

24. Is there a benefit to giving pipelines an incentive to reduce fuel use, such as the inclusion in the tracker of a profit or loss sharing mechanism? If the pipeline could retain some benefit of fuel cost reductions, would it have a greater incentive to reduce those costs? Would customers benefit from the reduced costs and from sharing in any cost over-recoveries? How important are fuel costs relative to total transportation costs?

*(4) Should the Commission Retain Its Current Policy?*

25. Finally, the Commission seeks comments on whether it should retain its current policy which gives pipeline discretion over whether to have a tracker mechanism governing the recovery of fuel costs. What are the benefits and/or costs of retaining the current policy? What factors should the Commission consider in deciding whether a change in fuel retention policy is warranted at this time?

### III. Procedure for Comments

26. The Commission invites interested persons to submit comments, and other information on the matters, issues and specific questions identified in this notice. Comments are due 60 days from the date of publication in the **Federal Register**. Comments must refer to Docket No. RM07-20-000, and must include the commenter's name, the organization it represents, if applicable, and its address.

27. To facilitate the Commission's review of the comments, commenters are requested to provide an executive summary of their position. Commenters are requested to identify each specific question posed by the Notice of Inquiry that their discussion addresses and to use appropriate headings. Additional issues the commenters wish to raise should be identified separately. The commenters should double space their comments.

28. Comments may be filed on paper or electronically via the eFiling link on the Commission's Web site at <http://www.ferc.gov>. The Commission accepts most standard word processing formats and commenters may attach additional files with supporting information in certain other file formats. Commenters filing electronically do not need to make a paper filing. Commenters that are not able to file comments electronically must send an original and 14 copies of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street, NE., Washington, DC 20426.

29. All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters are not required to serve copies of their comments on other commenters.

### IV. Document Availability

30. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through the Commission's Home Page (<http://www.ferc.gov>) and in the Commission's Public Reference Room during normal business hours (8:30 a.m. to 5 p.m. Eastern time) at 888 First Street, NE., Room 2A, Washington, DC 20426.

31. From the Commission's Home Page on the Internet, this information is available in the Commission's document management system, eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number (excluding the last three digits) in the docket number field.

32. User assistance is available for eLibrary and the Commission's Web site during normal business hours. For assistance, please contact the Commission's Online Support at 1-866-208-3676 (toll free) or 202-502-6652 (e-mail at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or the Public Reference Room at 202-502-

8371, TTY 202-502-8659 (e-mail at [public.referenceroom@ferc.gov](mailto:public.referenceroom@ferc.gov)).

By direction of the Commission.

**Nathaniel J. Davis, Sr.**,

*Acting Deputy Secretary.*

[FR Doc. E7-19386 Filed 9-28-07; 8:45 am]

BILLING CODE 6717-01-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8476-3]

### 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 Rocky Mountain Clean Air Action ("RMCAA") in the United States Court of Appeals for the D.C. Circuit: *Rocky Mountain Clean Air Action v. EPA*, No. 07-1012 (D.C. Cir.). Petitioner filed a petition for review challenging EPA's final rule entitled "Final Extension of the Deferred Effective Date for 8-Hour Ozone National Ambient Air Quality Standards ("NAAQS") for Early Action Compact Areas," 71 FR 69022 (Nov. 29, 2006). Under the terms of the proposed settlement agreement, deadlines have been established for EPA and the State of Colorado to take specific actions related to the Denver Early Action Compact ("Denver EAC") area. Petitioner's sole remedy if EPA or the State fails to take one of these actions is to request the court to lift the stay and to set a briefing schedule.

**DATES:** Written comments on the proposed settlement agreement must be received by October 31, 2007.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA-HQ-OGC-2007-0991, online at <http://www.regulations.gov> (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 3334, 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 Word 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:** Jan Tierney, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone: (202) 564-5598; fax number (202) 564-5603; e-mail address: [tierney.jan@epa.gov](mailto:tierney.jan@epa.gov).

**SUPPLEMENTARY INFORMATION:**

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

This case challenges the rule entitled "Final Extension of the Deferred Effective Date for 8-Hour Ozone National Ambient Air Quality Standards for Early Action Compact Areas," 71 FR 69022 (Nov. 29, 2006). Specifically, Petitioner challenges EPA's action to issue a further deferral of the effective date of the 8-hour ozone nonattainment designation for the Denver EAC area from December 31, 2006 to July 1, 2007. Under the terms of the proposed settlement, EPA will review and take final action on a regulation submitted by the State of Colorado to EPA in August 2007 ("Regulation No. 7") by March 25, 2008. Additionally, by November 20, 2007, EPA will evaluate the 8-hour ozone air quality data for the Denver EAC area from 2005, 2006 and the first three quarters of 2007 and if the data do not indicate a violation of the 8-hour ozone standard, EPA will issue a final rule further extending the deferral of the effective date of the nonattainment designation until April 15, 2008. If the data do indicate a violation of the 8-hour ozone standard, EPA will take no further action and the nonattainment designation will be effective November 20, 2007. Based on whether the area has an effective nonattainment or an effective attainment designation, the State of Colorado has to submit either an attainment demonstration or a maintenance SIP revision for the Denver EAC to EPA no later than July 1, 2009. If the State submits an attainment demonstration SIP revision, EPA must sign a notice of final agency action approving or disapproving the State of Colorado SIP revision by October 1, 2010. If either EPA or the State fail to meet any of these deadlines, RMCAA's sole remedy is to request the court to lift the stay of the litigation and to set a briefing schedule.

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 intervenors 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 determines, 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 Agreement**

*A. How Can I Get A Copy Of The Settlement Agreement?*

The official public docket for this action (identified by Docket ID No. EPA-HQ-OGC-2007-0991) contains a copy of the proposed settlement agreement. 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 3334, 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 <http://www.regulations.gov>. You may use the <http://www.regulations.gov> 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 online at <http://www.regulations.gov> 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 the 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.

Use of the <http://www.regulations.gov> Web site 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 <http://www.regulations.gov>, 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: September 25, 2007.

**Richard B. Ossias,**

*Associate General Counsel.*

[FR Doc. E7-19333 Filed 9-28-07; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-8476-2]

**Meeting of the Total Coliform Rule Distribution System Advisory Committee—Notice of Public Meeting**

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

**ACTION:** Notice.

**SUMMARY:** Under Section 10(a)(2) of the Federal Advisory Committee Act, the United States Environmental Protection Agency (EPA) is giving notice of a meeting of the Total Coliform Rule Distribution System Advisory Committee (TCRDSAC). The purpose of this meeting is to discuss the public health information, Safe Drinking Water Act (SDWA) framework, Total Coliform Rule (TCR) implementation and compliance, and issues that may affect finished water quality in distribution systems.

The TCRDSAC advises and makes recommendations to the Agency on revisions to the Total Coliform Rule (TCR), and on what information should be collected, research conducted, and/or risk management strategies evaluated to better inform distribution system contaminant occurrence and associated public health risks.

Topics to be discussed in the meeting include available public health information and how it relates to the TCR; how the TCR relates to other SDWA regulations, such as the Ground Water Rule; TCR implementation and compliance; and information on distribution system issues that may impact water quality.

**DATES:** The public meeting will be held on Wednesday, October 17, 2007 (8:30 a.m. to 6 p.m., Eastern Daylight Time (EDT)) and Thursday, October 18, 2007 (8 a.m. to 3 p.m. EDT). Attendees should register for the meeting by calling Jason Peller at (202) 965-6387, or by e-mail to [jpeller@resolv.org](mailto:jpeller@resolv.org), no later than October 15, 2007.

**ADDRESSES:** The meeting will be held at RESOLVE, 1255 Twenty-Third St., NW., Suite 275, Washington, DC 20037.

**FOR FURTHER INFORMATION CONTACT:** For general information, contact Jason Peller of RESOLVE at (202) 965-6387. For technical inquiries, contact Ken Rotert ([roterk.kenneth@epa.gov](mailto:roterk.kenneth@epa.gov), (202) 564-5280), Standards and Risk Management Division, Office of Ground Water and Drinking Water (MC 4607M), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; fax number: (202) 564-3767.

**SUPPLEMENTARY INFORMATION:** The meeting is open to the public. The Committee encourages the public's input and will take public comment starting at 5:30 p.m. on October 17, 2007, for this purpose. It is preferred that only one person present the statement on behalf of a group or organization. To ensure adequate time for public involvement, individuals interested in presenting an oral statement may notify Jini Mohanty, the Designated Federal Officer, by telephone at (202) 564-5269 no later than October 15, 2007. Any person who wishes to file a written statement can do so before or after a Committee meeting. Written statements received by October 15, 2007, will be distributed to all members before any final discussion or vote is completed. Any statements received on October 17, 2007, or after the meeting will become part of the permanent meeting file and will be forwarded to the members for their information.

**Special Accommodations**

For information on access or services for individuals with disabilities, please contact Jini Mohanty at (202) 564-5269 or by e-mail at [mohanty.jini@epa.gov](mailto:mohanty.jini@epa.gov). To request accommodation of a disability, please contact Jini Mohanty, preferably at least 10 days prior to the meeting to give EPA as much time to process your request.

Dated: September 26, 2007.

**Cynthia C. Dougherty,**

*Director, Office of Ground Water and Drinking Water.*

[FR Doc. E7-19316 Filed 9-28-07; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-8475-2]

**Clean Water Act Section 303(d): Final Agency Action on 52 Arkansas Total Maximum Daily Loads (TMDLs)**

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

**ACTION:** Notice of availability.

**SUMMARY:** This notice announces the final agency action on 52 TMDLs established by EPA Region 6 for waters listed in the State of Arkansas, under section 303(d) of the Clean Water Act (CWA). These TMDLs were completed in response to the lawsuit styled *Sierra Club, et al. v. Clifford, et al.*, No. LR-C-99-114. Documents from the administrative record file for the final 52 TMDLs, including TMDL calculations may be viewed at [www.epa.gov/region6/6wq/npdes/tmdl/index.htm](http://www.epa.gov/region6/6wq/npdes/tmdl/index.htm).

**ADDRESSES:** The administrative record files for these 52 TMDLs may be obtained by writing or calling Ms. Diane Smith, Environmental Protection Specialist, Water Quality Protection Division, U.S. Environmental Protection Agency Region 6, 1445 Ross Ave., Dallas TX 75202-2733. Please contact Ms. Smith to schedule an inspection.

**FOR FURTHER INFORMATION CONTACT:** Diane Smith at (214) 665-2145.

**SUPPLEMENTARY INFORMATION:** In 1999, five Arkansas environmental groups, the Sierra Club, Federation of Fly Fishers, Crooked Creek Coalition, Arkansas Fly Fishers, and Save our Streams (plaintiffs), filed a lawsuit in Federal Court against the EPA, styled *Sierra Club, et al. v. Clifford, et al.*, No. LR-C-99-114. Among other claims, plaintiffs alleged that EPA failed to establish Arkansas TMDLs in a timely manner.

**EPA Takes Final Agency Action on 52 TMDLs**

By this notice EPA is taking final agency action on the following 52 TMDLs for waters located within the state of Arkansas:

Segment-reach	Waterbody name	Pollutant
08040205-005	Deep Bayou	Fecal coliform and E. coli.
08040205-013	Bayou Bartholomew	Fecal coliform and E. coli.
08040205-901	Bearhouse Creek	Fecal coliform and E. coli.
08040205-902	Harding Creek	Fecal coliform and E. coli.
08040205-903	Melton's Creek	Fecal coliform and E. coli.
08040205-904	Jacks Bayou	Fecal coliform and E. coli.
08040205-905	Cross Bayou	Fecal coliform and E. coli.