

**SUPPLEMENTARY INFORMATION:** On January 31, 2005, EPA offered certain Animal Feeding Operations (AFOs) the opportunity to sign a consent agreement and final order resolving potential violations under the Clean Air Act (CAA), the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and the Emergency Planning and Community Right-to-Know Act (EPCRA) (henceforth referred to as the "Air Compliance Agreement" or the "Agreement"). By the close of the sign-up period on August 12, 2005, EPA had received over 2600 signed Agreements from AFOs. Approximately 1200 of the Agreements included broad claims by the submitting AFOs that the facility specific information that was required to be submitted in Attachment A to the Agreements was entitled to confidential treatment for reasons of business confidentiality (CBI). These broad claims potentially included the name of the facility and its address, which are found in Attachment A to the Agreements. EPA is considering the disclosure of the names and addresses of these AFOs in connection with the submittal of these proposed consent agreements and final orders to the EAB for approval.

With respect to proceedings commenced at EPA Headquarters, EPA is required to obtain a final order from the EAB ratifying any consent agreement that disposes of the proceeding. In accordance with this requirement, EPA submitted 20 Agreements, which did not contain any CBI claims, to the EAB on November 11, 2005, for approval. On January 27, 2006, the Board approved the first 20 Agreements. On April 11, 2006, EPA submitted 702 additional Agreements, which did not contain any CBI claims, to the EAB for approval. These additional Agreements were approved on April 17, 2006.

EPA is preparing to submit most of the approximately 1200 Agreements that contain information claimed as CBI to the EAB for review and approval. In connection with those proceedings, EPA is considering the disclosure of the names and addresses of the AFOs who signed the Agreements (the Respondents) pursuant to 40 CFR 2.301(g) ("Disclosure of information relevant to a proceeding"), notwithstanding that the information may be subject to a CBI claim. EPA's filings with the EAB are public, thus this information would be available to the public upon EPA's filing of the proposed Agreements and final orders. EPA is not considering, at this time, disclosing to the public any other

information that has been claimed to be CBI. EPA is considering disclosing names and addresses because, initially, it appears that: (1) The names and addresses of the Respondents are relevant to the subject of the proceedings; (2) the public interest would be served by making available the names and addresses of the businesses with which EPA will be entering into consent agreements; and (3), the names and addresses of these businesses are reasonably attainable by other persons through public records such as telephone books and other business listings.

EPA is hereby providing an opportunity for any affected AFO to provide comments on the proposal by EPA to make their names and addresses available as part of the proceeding before the EAB to approve their Agreement. Such comments should address the issue of whether its name and address are relevant to the proceeding and whether it is in the public interest to disclose that information. The affected AFO may also address the issue of whether its name and address are entitled to confidential treatment pursuant to the criteria set forth in 40 CFR 2.208, including whether the information is reasonably obtainable by other persons through legitimate means. All comments should be submitted within five (5) days of the date of this notice. EPA is not seeking, or considering, comments from anybody other than the affected AFOs.

In accordance with 40 CFR 2.204(e)(1), any failure by an AFO to furnish timely comments will be construed as a waiver of its claim, and EPA will forward their Agreement to the EAB for review and approval no earlier than five (5) days after the close of the comment period. Although the names and addresses of the AFOs will be available to the public at that time, other information about the facility claimed as CBI will continue to be handled in accordance with EPA's CBI regulations. For those AFOs who furnish timely comments, EPA will proceed to make a determination under 40 CFR 2.301(g) after the close of the comment period.

Dated: May 9, 2006.

**Robert A. Kaplan,**

*Director, Special Litigation and Project Division, Office of Civil Enforcement, Office of Enforcement and Compliance Assurance.*  
[FR Doc. E6-7330 Filed 5-12-06; 8:45 am]

**BILLING CODE 6560-50-P**

## **ENVIRONMENTAL PROTECTION AGENCY**

[FRL-8169-6]

### **Brownfields State and Tribal Response Grant Program**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice.

**SUMMARY:** This action adds the Brownfields State and Tribal Response (BSTR) grant program authorized by section 128(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, (CERCLA), to the list of environmental grant programs eligible for inclusion in Performance Partnership Grants (PPGs).

**FOR FURTHER INFORMATION CONTACT:** Jack Bowles, Office of Congressional and Intergovernmental Relations, Office of the Administrator, Mail Code 1301, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number, 202-564-7178; e-mail address: [bowles.jack@epa.gov](mailto:bowles.jack@epa.gov); or Jennifer Wilbur, Office of Brownfields Cleanup and Redevelopment, Office of Solid Waste and Emergency Response, Mail Code 5105T, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number, 202-566-2756; e-mail address: [wilbur.jennifer@epa.gov](mailto:wilbur.jennifer@epa.gov).

**SUPPLEMENTARY INFORMATION:** The Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Pub. L. 104-134) and the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act of 1998 (Pub. L. 105-65), authorize EPA to combine categorical grant funds appropriated in EPA's State and Tribal Assistance Grant (STAG) account and award the funds as PPGs. Public Law 104-134, states, in relevant part, that: "the Administrator is authorized to make grants annually from funds appropriated under this heading, subject to such terms and conditions as the Administrator shall establish, to any State or federally recognized Indian tribe for multimedia or single media pollution prevention, control and abatement and related environmental activities at the request of the Governor or other appropriate State official or the tribe." Public Law 105-65 amended the PPG authority by authorizing "interstate agencies, tribal consortia, and air pollution control agencies" to receive PPGs. Pursuant to the authority granted in Public Law 104-134 and Public Law 105-65, EPA promulgated PPG

regulations in January of 2001 as part of the Agency's revision of 40 CFR part 35, the rules governing categorical environmental program grants. The regulation at 40 CFR 35.133(b) states that: "The Administrator may, in guidance or regulation, describe subsequent additions, deletions, or changes to the list of environmental programs eligible for inclusion in Performance Partnership Grants." The BSTR grant program authorized by CERCLA 128(a) is funded in the same line item that funds categorical grants for "multimedia or single media pollution prevention, control and abatement and related environmental activities" and, therefore, this grant program is eligible for inclusion in PPGs. This notice is made pursuant to 40 CFR 35.133(b), to inform entities eligible to receive PPGs that the BSTR grant program may be included in a PPG subject to any limitations herein defined.

In the fiscal year 2003 Consolidated Appropriations Resolution, Public Law 108-7, EPA was appropriated funds "for carrying out section 128[(a)] of CERCLA, as amended." Congress has included funds for CERCLA 128(a) in subsequent EPA appropriations. Heretofore and hereafter, the BSTR grant program funds, with the exception of funds states and tribes use to capitalize a revolving loan fund under CERCLA

128(a)(1)(B)(ii)(I), are eligible for inclusion in PPGs, and may be included in a PPG at the request of the appropriate official of an eligible entity, subject to EPA's regulations at 40 CFR part 31 and 40 CFR 35.001 through 35.138 and 35.500 through 35.538. A Region should notify the Office of Brownfields Cleanup and Redevelopment in the Office of Solid Waste and Emergency Response when it plans to award Brownfield grant program funds as part of a PPG.

Dated: May 4, 2006.

**Stephen L. Johnson,**

*Administrator.*

[FR Doc. E6-7335 Filed 5-12-06; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8169-7]

### Notice of Open Meeting, Environmental Financial Advisory Board (EFAB), Workshop on the Use of Captive Insurance as a Financial Assurance Mechanism

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

**ACTION:** Notice.

**SUMMARY:** The United States Environmental Protection Agency's Environmental Financial Advisory Board will hold an open meeting of its Financial Assurance Project Workgroup.

EFAB is chartered with providing analysis and advice to the EPA Administrator and EPA program offices on issues relating to environmental finance. The purpose of this meeting is for the EFAB to gather information and ideas with respect to the use of captive insurance as a financial assurance tool in EPA programs. The day will be structured to address this issue via a series of presentations and panel discussions involving Federal environmental officials, State insurance regulators, insurance rating and information analysts, insurance industry professionals, and State environmental regulators.

The meeting is open to the public with seating available on a first come first served basis. Due to building security requirements, all members of the public who wish to attend the meeting must register in advance no later than Monday, June 17, 2006.

**DATES:** June 27, 2006 from 9 a.m.-3:30 p.m.

**ADDRESSES:** ConEdison, 4 Irving Place, 19th Floor Auditorium, New York, NY 10003.

**FOR FURTHER INFORMATION CONTACT:** To register for the workshop or to obtain further information, contact Timothy McProuty, U.S. EPA, EFAB Staff, at 202-564-4996 or [mcprouty.timothy@epa.gov](mailto:mcprouty.timothy@epa.gov).

For information on access or services for individuals with disabilities, please contact Timothy McProuty at 202-564-4996 or [mcprouty.timothy@epa.gov](mailto:mcprouty.timothy@epa.gov). To request accommodation of disability, please contact Timothy McProuty, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: May 3, 2006.

**Joseph Dillon,**

*Director, Office of Enterprise Technology and Innovation.*

[FR Doc. E6-7339 Filed 5-12-06; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8169-8; EPA-HQ-OA-2005-0003]

### Report on ECOS-EPA Performance-Based Environmental Programs: Proposed Initial Implementation Actions

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

**ACTION:** Notice.

**SUMMARY:** This notice seeks public comment about proposed actions resulting from a collaborative effort between EPA and representatives from the Environmental Council of the States (ECOS). ECOS and EPA have developed a series of action recommendations to: identify, develop, and implement incentives for top environmental performers that are part of state and federal performance-based environmental programs; facilitate the integration of performance based programs into EPA and State Agencies; and enhance marketing and outreach of performance based programs. Today's recommended actions build on preliminary ideas that EPA provided for public comment on August 4, 2005 (70 FR 44921), and a public meeting held in Chicago, IL on October 19, 2005.

**DATES:** Comments must be received on or before June 14, 2006.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OA-2005-0003 by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.

- *E-mail:* [docket.oei@epa.gov](mailto:docket.oei@epa.gov).

- *Fax:* 202-566-0224.

- *Mail:* Office of Administrator Docket, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

- *Hand Delivery:* EPA Docket Center, EPA West, Room B-102, 1301 Constitution Ave, NW., Washington, DC 20460. Such deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. 4:30 p.m. M-F), special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA-HQ-OA-2005-0003. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information