

CFR part 63, subpart CCCCC; on 07/08/2002 OMB filed comment.

EPA ICR No. 1813.03; Regional Haze Rule—Proposed Revisions to Incorporate Sulfur Dioxide Milestones and Backstop Emissions Trading Program for Nine Western States and Eligible Indian Tribes in 40 CFR 51.309; OMB No. 2060–0421; on 07/02/2002 OMB comment filed and continue.

#### OMB Withdrawals

EPA ICR No. 1993.01; Evaluations of Innovative Pilot Project Innovations; on 07/19/2002 this ICR was withdrawn from OMB review.

Dated: August 16, 2002.

**Oscar Morales,**

Director, Collection Strategies Division.

[FR Doc. 02–21657 Filed 8–23–02; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL–7268–4]

### Proposed Settlement Agreement

**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, 42 U.S.C. 7413(g), notice is hereby given of a proposed settlement agreement in *Sierra Club v. U.S. Environmental Protection Agency*, No. 02–1135 (D.C. Circuit). This case concerns the final rule entitled “National Emission Standard for Hazardous Air Pollutants for Source Categories: General Provisions; and Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act section 112(g) and 112(j),” published at 67 FR 16582 on April 5, 2002. The proposed settlement agreement was lodged with the United States Court of Appeals for the District of Columbia Circuit on August 15, 2002.

**DATES:** Written comments on the proposed settlement agreement must be received by September 25, 2002.

**ADDRESSES:** Written comments should be sent to Timothy D. Backstrom, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. A copy of the proposed settlement agreement is available from Phyllis J. Cochran, (202) 564–7606. A copy of the proposed settlement agreement was also lodged in the case with the Clerk of the United

States Court of Appeals for the District of Columbia Circuit on August 15, 2002.

**SUPPLEMENTARY INFORMATION:** EPA promulgated a final rule amending the MACT General Provisions, 40 CFR part 63, subpart A, and the requirements for case-by-case determinations under Clean Air Act section 112(j), 40 CFR 63.50–63.56, on April 5, 2002. 67 FR 16582. The Sierra Club filed a petition seeking judicial review of this final rule on April 25, 2002. *Sierra Club v. U.S. Environmental Protection Agency*, No. 02–1135 (D.C. Circuit). On June 4, 2002, Sierra Club also filed a petition seeking administrative reconsideration of certain provisions in the final rule, pursuant to Clean Air Act section 307(d)(7)(B).

Sierra Club and EPA have now reached initial agreement on a settlement of the case which could lead to the voluntary dismissal of the petition for review. The settlement requires the EPA Administrator to sign a proposed rule incorporating certain amendments no later than two months after the date the settlement was signed by counsel for the parties and lodged with the court. The settlement also requires the EPA Administrator to take final action concerning the proposed rule within seven months from the date of signature and lodging.

Under the settlement, EPA will propose to reduce the time period between submission of part 1 applications under Clean Air Act section 112(j), and submission of the more detailed part 2 application, from 24 months to 12 months. EPA originally proposed a time period of 6 months between the two parts. In view of the current schedule for promulgation of remaining MACT standards, EPA anticipates that the one year period will permit proposed MACT standards to be issued prior to the part 2 applications, thereby reducing the burden associated with preparation of the part 2 applications. EPA also anticipates that the one year period should be sufficient to prevent any need for actual issuance of case-by-case determinations under section 112(j) for all or virtually all affected source categories.

The settlement also requires that EPA propose certain amendments to the section in the MACT General Provisions which governs preparation of Startup, Shutdown, and Malfunction (SSM) plans, 40 CFR 63.6(e). EPA considers these changes to be modest in nature and consistent with the policies concerning these SSM plans described in the preamble of the original proposal.

For a period of thirty (30) days following the date of publication of this

notice, EPA will receive written comments relating to the proposed settlement agreement. Although the comment opportunity required by section 113(g) is only mandatory with respect to persons who are not named as parties or interveners in the case in question, EPA does not believe it would be appropriate in this instance to exclude comment by those parties who have requested and been granted intervention in the *Sierra Club* case, or by those parties who have submitted petitions concerning the same rulemaking in consolidated cases. Unlike a consent decree or court-ordered settlement, no action by the Court is required to execute the settlement agreement in this case. Therefore, EPA will exercise its discretion to accept comment on the settlement agreement from all interested persons.

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.

Dated: August 16, 2002.

**Lisa K. Friedman,**

Associate General Counsel, Air and Radiation Law Office.

[FR Doc. 02–21674 Filed 8–23–02; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL–7268–3]

### Final Notification of Alternative Tier 2 Requirements for PuriNO<sub>x</sub> Diesel Fuel

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

**ACTION:** Notice.

**SUMMARY:** The purpose of this notice is to announce that the EPA has notified the Lubrizol Corporation (Lubrizol), manufacturer of a motor-vehicle diesel fuel known as PuriNO<sub>x</sub>, of Alternative Tier 2 health-effects testing requirements for PuriNO<sub>x</sub> Generation 2 Winter Diesel Fuel Emulsion (Winter PuriNO<sub>x</sub>) under the fuel and fuel additive registration testing requirements. EPA has also concluded that testing performed by Lubrizol on

Winter PuriNO<sub>x</sub> and a warm-climate PuriNO<sub>x</sub> will be sufficient to cover intermediate versions of PuriNO<sub>x</sub>.

**DATES:** The Alternative Tier 2 testing requirements for Winter PuriNO<sub>x</sub> are effective upon receipt by Lubrizol of the notification letter discussed in this notice.

**ADDRESSES:** A copy of the notification to Lubrizol has been placed in Public Docket No. A-2002-07, Waterside Mall (Room M-1500), Environmental Protection Agency, Air Docket Section, 401 M Street, SW., Washington, DC 20460-0001. Relevant materials have been placed in this docket. It may be inspected from 8:00 a.m. to 5:30 p.m., Monday through Friday. A reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** James W. Caldwell, Environmental Engineer, U.S. Environmental Protection Agency, Office of Transportation and Air Quality, Mail Code 6406J, 1200 Pennsylvania Avenue, NW, Washington, DC 20460-0001, (202) 564-9303, fax (202) 565-2085, [caldwell.jim@epa.gov](mailto:caldwell.jim@epa.gov).

**SUPPLEMENTARY INFORMATION:** *Regulated Entity.* The entity regulated by this action is Lubrizol.

### I. Introduction

Pursuant to sections 211(b)(2) and 211(e) of the Clean Air Act (CAA) EPA promulgated regulations requiring manufacturers of designated fuels and fuel additives (F/FA) to conduct tests to determine the potential health effects of the F/FA emissions. The final rule, promulgated May 27, 1994, established new health-effects testing requirements for the registration of designated F/FAs (59 FR 33042).

The registration requirements are organized within a three-tier structure. Tier 1 requires F/FA manufacturers to supply to EPA (1) the identity and concentration of certain emission products, and (2) any available information regarding the health and welfare effects of the whole and speciated emissions. 40 CFR 79.52. Tier 2 requires that combustion emissions of each F/FA subject to the testing requirements be tested for subchronic systemic and organic toxicity, as well as the assessment of specific health-effect endpoints. 40 CFR 79.53. Tier 3 testing may be required, at EPA's discretion, when remaining uncertainties as to the significance of observed health or welfare effects, or emissions exposures, interfere with EPA's ability to reasonably assess the potential risks posed by the emissions from a F/FA. 40 CFR 79.54. EPA's regulations permit submission of adequate existing test

data in lieu of conducting new, duplicative tests. 40 CFR 79.53(b).

At its discretion, EPA may modify the standard Tier 2 health-effects testing requirements for a F/FA (or group thereof) by substituting, adding, or deleting testing requirements, or changing the underlying vehicle/engine specifications. 40 CFR 79.58(c). EPA will not, however, delete a testing requirement for a specific end point in the absence of existing adequate information, or an alternative testing requirement for that endpoint. 40 CFR 79.58(c).

### II. Proposed Alternative Tier 2 Requirements for PuriNO<sub>x</sub>

On May 3, 2002 EPA notified Lubrizol of proposed Alternative Tier 2 testing requirements under 40 CFR 79.58(c) for Lubrizol's Winter PuriNO<sub>x</sub> formulation. The proposed Alternative Tier 2 testing requirements were identical to the standard Tier 2 requirements with the exception that the test fuel would be the Winter PuriNO<sub>x</sub> formulation, consisting of 74% diesel fuel, 16.8% water, 5.7% methanol, and 3.5% PuriNO<sub>x</sub> Generation 2 Additive Package. Under the standard Tier 2 requirements the water and methanol would have been tested separately in diesel fuel. EPA believed that, since such separate formulations would never occur in the production of Winter PuriNO<sub>x</sub>, testing of the proposed test fuel, which corresponds with its commercial composition, would produce more meaningful health-effects testing results.

Lubrizol has already conducted standard Tier 2 testing on a warm-climate PuriNO<sub>x</sub> formulation, consisting of 77% diesel fuel, 20% water, and 3% PuriNO<sub>x</sub> 1121A Additive Package. EPA also proposed that this testing, in conjunction with the Alternative Tier 2 testing for Winter PuriNO<sub>x</sub>, would be sufficient to meet the Tier 2 requirements for intermediate PuriNO<sub>x</sub> combinations of diesel fuel, water, methanol, and additive package.<sup>1</sup> An associated **Federal Register** notice (67 FR 35808, May 21, 2002) initiated a 30-day public comment period. Only one comment was received, and it did not address either proposal. The EPA has concluded that both proposals will be finalized without change, and has notified Lubrizol by letter. A copy of the

<sup>1</sup> Thus, if the Winter PuriNO<sub>x</sub> Alternative Tier 2 testing is successfully completed, the Tier 2 health effects testing requirements would be met for PuriNO<sub>x</sub> formulations consisting of 100%-74% diesel fuel, 0%-20% water, 0%-5.7% methanol, 0%-3.5% PuriNO<sub>x</sub> Generation 2 Additive, or 0%-3% PuriNO<sub>x</sub> 1121A.

letter has been placed in the docket referenced above.

### III. Environmental Impact

This action will result in no immediate environmental impact, but may provide a basis for further regulatory action, should the collected data indicate that there may be a risk to public health or welfare.

### IV. Economic Impact

This action will reduce the testing expense for Lubrizol by reducing the number of test fuels. Since this applies only to Lubrizol, which is not a small entity, there is no economic impact on small entities.

### List of Subjects in 40 CFR Part 79

Environmental protection, Air pollution control, Diesel fuel, and Motor vehicle pollution.

Dated: August 19, 2002.

**Robert Brenner,**

*Acting Assistant Administrator, Office of Air and Radiation.*

[FR Doc. 02-21675 Filed 8-23-02; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7267-7]

### National Drinking Water Advisory Council; Request for Nominations

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice.

The U.S. Environmental Protection Agency (EPA) 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 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 related to the implementation of the SDWA. The Council consists of fifteen 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 water hygiene and public water supply; and five members represent private organizations or groups demonstrating an active interest in the field of water hygiene and public water supply. The SDWA requires that at least two members of the Council represent small, rural water systems. On December 15 of