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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8456-6]

### Proposed Settlement Agreement, Clean Air Petition for Review

**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 ("CAA" or "Act"), 42 U.S.C. 7413(g), notice is hereby given of a proposed settlement agreement, to address a lawsuit filed by the Ingersoll-Rand Company in the U.S. Court of Appeals for the District of Columbia Circuit. *Ingersoll-Rand Co. v. United States Environmental Protection Agency*, No. 98-1597 (DC Cir.). Ingersoll-Rand's petition for review challenges EPA rules establishing standards for certain nonroad diesel engines. 63 FR 58967 (Oct. 23, 1998) (so-called Tier III standards). Under the terms of the proposed settlement agreement, EPA has agreed to propose rules (or issue direct final rules) amending the Tier III standards to allow certain additional flexibilities for equipment manufacturers which are not vertically integrated with the nonroad diesel engine manufacturer.

**DATES:** Written comments on the proposed settlement agreement must be received by September 17, 2007.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA-HQ-OGC-2007-0738, online at [www.regulations.gov](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:** Steven Silverman, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection

Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone: (202) 564-5523; fax number (202) 564-5653; e-mail address: [silverman.steven@epa.gov](mailto:silverman.steven@epa.gov).

#### SUPPLEMENTARY INFORMATION:

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

On October 23, 1998, EPA issued so-called Tier III standards for nonroad diesel engines. These standards are based largely on within-engine controls of emissions (as opposed to controls reflecting post-engine, after treatment of emissions, which are the basis for the later rules for these same engines promulgated on June 29, 2004 at 69 Fed. Reg. 38958). Ingersoll-Rand Co. filed a timely petition for review in the District of Columbia Circuit Court of Appeals challenging certain of the Tier III standards. Under the proposed settlement agreement decree, EPA would propose certain amendments to the Tier III standards, and, if EPA adopts these (or substantially similar) amendments, Ingersoll-Rand would move to dismiss its petition for review. The amendments relate to providing increased potential flexibility for equipment manufacturers which are not vertically integrated with engine suppliers if such an equipment manufacturer demonstrates to EPA that it is unable to complete redesign of the equipment within the time required by the Tier III rule due to technical or engineering hardship. Specifically, the equipment manufacturer must show both that its inability to furnish a compliant equipment design is due to the engine supplier, and that the equipment manufacturer has exhausted other flexibilities already provided by the Tier 3 rule. The proposed provision is modeled after a parallel provision in the 2004 rules for nonroad diesel engines (40 CFR 1039.625 (m)), but the amount of relief would be somewhat less than is available under that parallel provision.

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 decree from persons who were not parties or intervenors to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed 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-2007-0738) 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 [www.regulations.gov](http://www.regulations.gov). You may use the [www.regulations.gov](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 [www.regulations.gov](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 [www.regulations.gov](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 [www.regulations.gov](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: August 9, 2007.

**Richard B. Ossias,**

*Associate General Counsel.*

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## FEDERAL DEPOSIT INSURANCE CORPORATION

**Agency Information Collection Activities: Submission for OMB Review; Comment Request; 3064-0121**

**AGENCY:** Federal Deposit Insurance Corporation (FDIC).

**ACTION:** Notice of information collections to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

**SUMMARY:** In accordance with requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the FDIC hereby gives notice that it is submitting to the Office of Management and Budget (OMB) a request for OMB review and approval of the renewal or revision of the information collection systems described below. The collection would provide information on the features and effectiveness of small-dollar programs offered by FDIC-insured financial institutions.

**DATES:** Comments must be submitted on or before September 17, 2007.

**ADDRESSES:** Interested parties are invited to submit written comments on the collection of information entitled: Pilot Study of Small Dollar Loan Programs. All comments should refer to the name of the collection. Comments may be submitted by any of the following methods:

- <http://www.FDIC.gov/regulations/laws/federal/propose.html>.

- *E-mail:* [comments@fdic.gov](mailto:comments@fdic.gov).

Include the name and number of the collection in the subject line of the message.

- *Mail:* Leneta G. Gregorie (202.898.3719), Counsel, Federal Deposit Insurance Corporation, Room F-1064, 550 17th Street, NW., Washington, DC 20429.

- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 550 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m.

A copy of the comments may also be submitted to the OMB Desk Officer for the FDIC, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:**

Interested members of the public may obtain additional information about the collection, including a copy of the proposed collection and related instructions without charge, by contacting Leneta G. Gregorie, at the address identified above.

**SUPPLEMENTARY INFORMATION:**

**Proposal To Seek OMB Approval for the Following New Collection of Information**

*Title:* Pilot Study of Small-Dollar Loan Programs.

*OMB Number:* 3064-NEW.

*Frequency of Response:* Pilot study application—one time; Program evaluation reports—quarterly for two years.

*Affected Public:* Insured depository institutions that apply for and are accepted to participate in the pilot study.

*Estimated Number of Respondents:* Pilot study application—40; Program evaluation reports—20 to 40.

*Estimated Time per Response:* Pilot study application—estimated average of 2 hours per respondent; Program evaluation reports—estimated average of 5 hours per respondent.

*Estimated Total Annual Burden:* Pilot study application—40 respondents times 2 hours per respondent = 80 hours; Program evaluation reports—20 to 40 respondents times 5 hours per respondent times 4 (quarterly). Total burden = 80 + 800 = 880 hours.

*General Description of Collection:* In recognition of the huge demand for small-dollar, unsecured loans, as evidenced by the proliferation around the country of payday lenders, the FDIC, on December 4, 2006, proposed and sought comment on guidelines for such products (<http://www.fdic.gov/news/news/press/2006/pr06107.html>). The proposed guidelines addressed several aspects of product development, including affordability and streamlined underwriting. Based on the comments received, the FDIC issued final guidelines on June 19, 2007, entitled "Affordable Small-Dollar Loan Guidelines" (<http://www.fdic.gov/news/news/financial/2007/fil07050.html>). The FDIC's goal in issuing the guidelines is to encourage financial institutions to offer small-dollar, unsecured loans in a safe and sound manner that is also cost-effective and responsive to customer needs.

To further encourage the development by insured financial institutions of small-dollar credit programs, the FDIC is contemplating conducting a pilot study to assess the viability of such programs, with the goal of demonstrating the extent of their profitability, determining the degree to which customers of such programs migrate into other banking products, determining the extent to which a savings component results in increased savings and debt reduction, and identifying program features which can be deemed "best practices." Programs selected for the pilot may be either already in existence at a bank or developed specifically for participation in the study.

Volunteers for the program must be well managed, well capitalized institutions, and not be subject to any