

Government will be included in the Draft EIS.

Scoping Process

Interested parties are invited to participate in the scoping process, both to refine the preliminary alternatives and environmental issues to be analyzed in depth, and to eliminate from detailed study those alternatives and environmental issues that are not feasible or pertinent. All comments received will be considered and used to shape the EIS process.

Public EIS scoping meetings will be held at the location, date, and times indicated above under the **DATES** and **ADDRESSES** sections. The scoping meetings will be structured as informal open houses. They will provide interested parties the opportunity to view proposed project and EIS process information, ask questions, and make comments. DOE and cooperating agency representatives will be available to answer questions and provide additional information to attendees.

DOE invites those entities with jurisdiction by law or special expertise with respect to environmental issues to be cooperating agencies on the EIS, as defined at 40 CFR 1501.6. Such entities may also make a request to DOE to be a cooperating agency. Designated cooperating agencies have certain responsibilities to support the NEPA process, as specified at 40 CFR 1501.6(b).

Persons submitting comments during the scoping process will receive copies of the Draft EIS. Persons who do not wish to submit comments or suggestions at this time, but who would like to receive a copy of the Draft EIS for review and comment when it is issued, should notify Mr. Mark Wieringa at the address provided above. The Draft EIS in printed form or electronic form on a compact disc will be made available to the public upon request.

Draft EIS Schedule and Availability

DOE anticipates the EIS process will take about 14 to 16 months and will include the public information and scoping meetings; consultation and involvement with appropriate Federal, state, and local agencies, and tribal governments; public review and hearing(s) on the published Draft EIS; a published Final EIS; and publication of a Record of Decision (ROD).

The public will be provided an opportunity to review the Draft EIS and a hearing on the published Draft EIS is expected to be conducted in the third quarter of calendar year 2006. A notice of the location of these public hearings

will be provided in the **Federal Register** and local media at a later date.

A published final EIS, a waiting period, and publication of a ROD are anticipated in early calendar year 2007.

Dated: February 2, 2006.

Michael S. Hacsckaylo,

Administrator.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-8030-9]

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 settlement agreement, to address a petition for writ of mandamus filed by Sierra Club in the U.S. Court of Appeals for the District of Columbia Circuit: *In re Sierra Club*, No. 05-1045 (DC Cir.). On February 15, 2005, Petitioner filed a petition asking the Court to issue a writ of mandamus directing EPA to complete remand proceedings ordered by the United States Court of Appeals for the D.C. Circuit in *Sierra Club v. EPA*, 167 F.3d 658 (DC Cir. 1999) for EPA's maximum achievable control technology ("MACT") determinations for new and existing hospital, medical and infectious waste incinerators ("HMIWI"). Under the terms of the proposed settlement agreement, no later than one year after this agreement is executed, the Administrator shall sign a notice of proposed rulemaking which responds to the remand order and no later than two years after this agreement is executed, the Administrator shall sign a notice of final rulemaking which responds to the remand order.

DATES: Written comments on the proposed settlement agree must be received by March 13, 2006.

ADDRESSES: Submit your comments, identified by Docket ID number EPA-HQ-OGC-2006-0104, online at <http://www.regulations.gov> (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:

Michael Thrift, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone: (202) 564-5596; fax number (202) 564-5603; e-mail address: thrift.mike@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Additional Information About the Proposed Settlement Agreement

EPA promulgated regulations on September 15, 1997 to establish MACT standards for HMIWI. 62 FR 48347. These regulations were challenged, and on April 12, 1999, the United States Court of Appeals for the District of Columbia Circuit remanded EPA's MACT determinations for new and existing HMIWI regulations to EPA. *Sierra Club v. EPA*, 167 F.3d 658 (DC Cir 1999).

The settlement agreement provides, among other things, that: (1) One year after the execution of this settlement agreement, EPA shall sign for publication in the **Federal Register** a notice of proposed rulemaking setting forth its proposed response to the Court's remand order in *Sierra Club v. EPA*; (2) following a period of at least 30 days for public comment on the proposed rulemaking, two years after the execution of this settlement agreement, EPA shall sign for publication in the **Federal Register** a notice of final rulemaking; and (3) no later than 15 days after the Administrator signs the final rulemaking and transmits it to the Office of the Federal Register for publication the petitioner will dismiss the petition for writ of mandamus.

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 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?

Direct your comments to the official public docket for this action under Docket ID No. EPA-HQ-OGC-2006-0104 which contains a copy of the 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 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 <http://www.regulations.gov>. You may use the <http://www.regulations.gov> Web site to submit or view public comments, to 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: February 2, 2006.

Richard B. Ossias,

Associate General Counsel.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-8031-1]

Proposed Consent Decree, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed consent decree; 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 consent decree, to address a deadline suit filed by Sierra Club: *Sierra Club v. Johnson*, No. 05CV02177 (RMC) (D. DC). On July 9, 2002 and November 18, 2002, Sierra Club petitioned EPA to object to certain Clean Air Act Title V permit amendments proposed by the Georgia Environmental Protection Division for steam generating plants at (1) Georgia Power's Bowen Steam-Electric Generating Plant ("the Bowen plant") and (2) the Bowen, McDonough/Atkinson, Yates, Hammond, Wansley, Scherer, and Branch Steam-Electric Generating Plants (collectively "the seven power plants") in the State of Georgia. Subsequently, Sierra Club filed suit, alleging that the Administrator failed to perform his nondiscretionary duty to respond to the petitions within sixty days of the date they were filed. Under the terms of today's proposed consent decree, EPA has agreed to respond to the petitions by March 15, 2006, and Sierra Club has agreed that if EPA does so, Sierra Club will dismiss its suit with prejudice. In addition, EPA has agreed to pay Sierra Club a specified amount in settlement for attorneys' fees in this matter.

DATES: Written comments on the proposed consent decree must be received by March 13, 2006.

ADDRESSES: Submit your comments, identified by Docket ID number EPA-HQ-OGC-2006-0105, online at <http://www.regulations.gov> (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