

any of the following public comment meetings:

Monday, May 8, 2006

6:30–8:30 p.m. (CDT), Ville Platte High School Auditorium, 210 West Cotton Street, Ville Platte, LA.

Tuesday, May 9, 2006

6:30–8:30 p.m. (CDT), Sulphur City Hall, 500 N. Huntington Street, Sulphur, LA.

Thursday, May 11, 2006

6:30–8:30 p.m. (CDT), Iowa Community Center, 207 West Highway 90, Iowa, LA.

Additionally, on May 9 through May 11, 2006, staff accompanied by representatives from Kinder Morgan will conduct a series of site visits of the proposed Kinder Morgan Louisiana Pipeline route. All interested parties are welcome to attend the car-based site visit. Those planning to attend must provide their own transportation.

Individuals with questions regarding this notice as well as those interested in attending either the public meetings or the car-based site visit should contact the Commission's Office of External Affairs at 866–208–FERC (3372).

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–6577 Filed 5–1–06; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 2237–013—Georgia]

#### Georgia Power Company; Morgan Falls Hydroelectric Project; Notice of Proposed Revised Restricted Service List for a Programmatic Agreement for Managing Properties Included in or Eligible for Inclusion in the National Register of Historic Places

April 26, 2006.

Rule 2010 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure provides that, to eliminate unnecessary expense or improve administrative efficiency, the Secretary may establish a restricted service list for a particular phase or issue in a proceeding.<sup>1</sup> The restricted service list should contain the names of persons on the service list who, in the judgment of the decisional authority establishing the list, are active participants with respect to the phase or issue in the proceeding for which the list is established.

The Commission staff is consulting with the Georgia State Historic

Preservation Officer (hereinafter, SHPO) and the Advisory Council on Historic Preservation (hereinafter, Council) pursuant to the Council's regulations, 36 CFR part 800, implementing section 106 of the National Historic Preservation Act, *as amended*, (16 U.S.C. 470f), to prepare and execute a programmatic agreement for managing properties included in, or eligible for inclusion in, the National Register of Historic Places at the Morgan Falls Hydroelectric Project No. 2237–013 (SHPO Reference Number HP–040120–022).

The programmatic agreement, when executed by the Commission, the SHPO, and the Council, would satisfy the Commission's section 106 responsibilities for all individual undertakings carried out in accordance with the license until the license expires or is terminated (36 CFR 800.13e). The Commission's responsibilities pursuant to section 106 for the Morgan Falls Project would be fulfilled through the programmatic agreement, which the Commission proposes to draft in consultation with certain parties listed below.

The executed programmatic agreement would be incorporated into any Order issuing a license.

Georgia Power Company, as licensee for Project No. 2237, and the Muskogee (Creek) Nation of Oklahoma, the Poarch Band of Creek Indians, the Thlopthlocco Tribal Town, the Kialegee Tribal Town, the Alabama-Quassarte Tribal Town, the Seminole Indian Tribe, the Seminole Nation of Oklahoma, the Cherokee Nation, the Eastern Band of Cherokee Indians, the United Keetoowah Band of Cherokee Indians, and the National Park Service have expressed an interest in this proceeding and are invited to participate in consultations to develop the programmatic agreement.

On January 6, 2006, we established a restricted service list for the Morgan Falls Project. Due to staff changes at the Seminole Nation of Oklahoma, the Eastern Band of Cherokee Indians, and the United Keetoowah Band of Cherokee Indians, we propose to remove Emman Spain, Michelle Hamilton, and Steve Mouse, respectively, from the restricted service list for the aforementioned project, and replace them with the following people:

Eastern Band of Cherokee Indians,  
Attention: Tyler Howe, THPO, Qualla Boundary, P.O. Box 455, Cherokee, NC 28719;  
Pare Bowlegs, Historic Preservation Officer, Seminole Nation of Oklahoma, P.O. Box 1498, Wewoka, OK 74884; and  
Lisa Stopp, Acting Tribal Historic Preservation Officer, United

Keetoowah Band of Cherokee Indians, P.O. Box 746, 20525 S. Jules Valdez Rd., Tahlequah, OK 74464.

Any person on the official service list for the above-captioned proceeding may request inclusion on the restricted service list, or may request that a restricted service list not be established, by filing a motion to that effect within 15 days of this notice date. In a request for inclusion, please identify the reason(s) why there is an interest to be included. Also please identify any concerns about historic properties, including Traditional Cultural Properties. If historic properties are to be identified within the motion, please use a separate page, and label it NON-PUBLIC Information.

An original and 8 copies of any such motion must be filed with Magalie R. Salas, the Secretary of the Commission (888 First Street, NE., Washington, DC 20426) and must be served on each person whose name appears on the official service list. Please put the project name "Morgan Falls Project" and number "P–2237–013" on the front cover of any motion. If no such motions are filed, the restricted service list will be effective at the end of the 15 day period. Otherwise, a further notice will be issued ruling on any motion or motions filed within the 15 day period.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–6576 Filed 5–1–06; 8:45 am]

BILLING CODE 6717–01–P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL–8164–7]

### 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 Utility Air Regulatory Group ("UARG") in the U.S. Court of Appeals for the District of Columbia: *Utility Air Regulatory Group v. EPA*, No. 06–1056 (D.C. Cir.). This lawsuit, which was filed pursuant to section 307(b) of the Act, is a petition for review of EPA's final rule entitled "Regional Haze Regulations and Guidelines for Best Available Retrofit Technology (BART) Determinations," published at 70 FR

<sup>1</sup> 18 CFR 385.2010.

39104 (July 6, 2005). Under the terms of the proposed settlement agreement, EPA has agreed to execute two documents that provide guidance on the revised regional haze regulations and the BART Guidelines.

**DATES:** Written comments on the proposed settlement agreement must be received by June 1, 2006.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA-HQ-OGC-2006-0315, 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 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:** M. Lea Anderson, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone: (202) 564-5571; fax number (202) 564-5603; e-mail address: [anderson.lea@epa.gov](mailto:anderson.lea@epa.gov).

**SUPPLEMENTARY INFORMATION:**

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

Petitioner raised issues concerning: (1) Whether the statement in the preamble to the final rule that the BART Guidelines use the natural visibility baseline for the 20 percent best visibility days for determining a source's impact on visibility incorrectly characterized the provisions of the BART Guidelines; (2) whether it is acceptable under the BART Guidelines to undertake a pollutant-specific analysis when modeling the impacts from a single source; (3) whether a statement in the preamble to the final rule that international emissions are properly accounted for in the 5-year state implementation plan was intended to change EPA's views on the treatment of international emissions; and (4) whether, in making BART determinations, the States are required to consider any nonair quality environmental benefits from reducing emissions of visibility-impairing pollutants. Under the terms of the proposed settlement, EPA has agreed to

execute two documents that provide guidance on the interpretation of the BART Rule and Guidelines.

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**

*A. How Can I Get a Copy of the Settlement?*

Direct your comments to the official public docket for this action under Docket ID No. EPA-HQ-OGC-2006-0315 which 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 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> 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: April 24, 2006.

**Richard B. Ossias,**

*Associate General Counsel.*

[FR Doc. E6-6619 Filed 5-1-06; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8164-2]

### Platinum GaSaver; Final Cancellation Order for a Fuel Additive Registration for Failure to Submit Test Data

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

**ACTION:** Final Cancellation Order for a Fuel Additive Registration.

**SUMMARY:** The regulations for Registration of Fuels and Fuel Additives, were promulgated under the authority of sections 211(a), (b) and (e) of the Clean Air Act, as amended. These regulations require the registration by EPA of certain motor-vehicle fuels and fuel additives. In certain cases, the manufacturer of a registered product is required to conduct research and submit various health-effects data to EPA within prescribed time frames. Under section 211(e) of the Clean Air Act, EPA may cancel the registration of any fuel or fuel additive for which the registrant has failed to submit the applicable test reports within the prescribed period. Administrative procedures are afforded and EPA may not cancel the registration for an existing fuel or additive without affording the registrant/manufacturer notice, opportunity to submit the requisite test data, and opportunity for a hearing. This order cancels the registration of the Platinum GaSaver fuel additive for nonsubmittal of applicable test data.

**DATES:** This final cancellation order is effective May 8, 2006.

**FOR FURTHER INFORMATION CONTACT:**

James W. Caldwell, Office of Transportation and Air Quality, Mail Code 6406J, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 343-9303; fax number: (202) 343-2801; e-mail address: [caldwell.jim@epa.gov](mailto:caldwell.jim@epa.gov)

**SUPPLEMENTARY INFORMATION:**

#### I. General Information

##### A. Does This Action Apply To Me?

The National Fuelsaver Corporation, the manufacturer and an EPA registrant of the fuel additive known as Platinum

GaSaver, may be potentially affected by this notice. This action is also directed to the public in general. Although this action may be of particular interest to persons who manufacture and use various fuel additives, the EPA has not attempted to describe all the specific entities that may be affected by this action.

#### B. How Can I Get Copies of This Document or Other Related Information?

1. This information is available from the person in the **FOR FURTHER INFORMATION CONTACT** section above.

2. Electronically.

You may obtain electronic copies of this **Federal Register** document electronically from the EPA Internet Home page under the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>.

#### II. What Action Is the Agency Taking?

Section 211(a) of the Clean Air Act (CAA or Act), authorizes the Administrator of the Environmental Protection Agency (EPA or Agency), to designate and require the registration of fuels and fuel additives (F/FAs) prior to sale or introduction into commerce. The EPA has designated gasoline and diesel F/FAs used in motor vehicles or motor vehicle engines for registration prior to sale or introduction into commerce. (See 40 CFR part 79 (1974).) Section 211(e)(1) mandates that EPA promulgate regulations requiring manufacturers of F/FAs "to conduct tests to determine potential public health effects of such F/FAs," and to furnish other "reasonable and necessary" information that identifies F/FAs emissions, and their effects on public health and welfare and vehicular emission control performance, as required by section 211(b)(2). Health effects tests are to be conducted according to procedures and protocols established by the Administrator. Further, section 211(e)(2) establishes a time limit by which manufacturers must comply with such test requirements. Additionally, under section 211(e)(3), EPA may exempt or make special exceptions for small businesses.

In 1994, EPA promulgated regulations implementing sections 211(b)(2) and (e), which established additional registration requirements to those promulgated in 1974. (See 40 CFR part 79 (1994).) These regulations require certain manufacturers of F/FAs, as part of their registration responsibilities, to conduct health-effects tests on their products, and submit the information to EPA within certain prescribed time periods. Test requirements are organized into three tiers known as Tier 1, 2 and 3. Tier 1 requires analysis of the

combustion and evaporative emissions of F/FAs and a survey of existing scientific information on the public health and welfare effects of these emissions. Tier 2 requires manufacturers to conduct specified toxicology tests to screen for potential adverse health effects of the F/FAs' emissions. Additional testing may be required under Tier 3 at EPA's discretion. With regard to those F/FAs registered at the time of promulgation of the regulations, the requisite Tier 1 and Tier 2 information was required to be submitted by May 27, 1997 and May 27, 2000, respectively. (See 40 CFR 79.51(c)(1).) With regard to all new F/FAs, *i.e.*, F/FAs not registered at the time of our promulgation of the regulations and F/FAs that cannot be enrolled in the same testing group as F/FAs that were already registered, the applicable public health-effects testing data were to be submitted prior to registration. (See 40 CFR 79.51(c)(2) and (c)(3).)

The rule also makes special provisions for small manufacturers of F/FAs as determined by certain financial factors, and grants them exemptions from certain test requirements. (See 40 CFR 79.58(d).) Small F/FAs manufacturers of F/FAs are manufacturers with either total annual sales of less than \$50 million for baseline/non-baseline F/FAs or total annual sales of less than \$10 million for atypical F/FAs. (See 40 CFR 79.58(d).) Small manufacturers of baseline/non-baseline F/FAs are exempt from both Tier 1 and 2 requirements, while small manufacturers of atypical F/FAs are required to comply with the basic registration and Tier 1 requirements, but are otherwise exempt from Tier 2 test requirements. (See 40 CFR 79.58(2) and (3).) Small manufacturers must submit the applicable test data to EPA within the prescribed period described above.

Additionally, the rule allows for the cancellation of any F/FA registration upon the Administrator's determination of failure to timely submit the requisite test data by a manufacturer. (See 40 CFR 79.51(f)(6).) In general, the Agency must issue a notice of intent to cancel that affords such a manufacturer an opportunity to comply with the applicable requirement, submit written comments, or request a hearing on the notice of intent to cancel.

On February 23, 1990 the Agency registered Platinum GaSaver, an atypical fuel additive manufactured by the National Fuelsaver Corporation. On May 27, 1997 the Tier 1 health-effects testing report (Tier 1 Report) for Platinum GaSaver became due. (See 40 CFR 79.51(c)(1)(vi)(A).) On December 2, 2004