

SLA staff exchanged a number of letters regarding this matter. Complainant also alleged that his attorney received information that KCA, Inc. was unwilling to enter into a joint venture agreement with him.

On February 19, 2003, SLA staff wrote to complainant's attorney reiterating its position that complainant and KCA, Inc. must enter into a joint venture agreement and execute a signed document by February 21, 2003. On February 26, 2003, SLA staff wrote complainant's attorney explaining that the SLA had to award the military dining hall facility at Redstone Arsenal to another vendor because complainant failed to execute the joint venture agreement with KCA, Inc.

On April 2, 2003, complainant requested a hearing. A fair hearing on this matter was held on August 5, 2003. On September 5, 2003, the hearing officer issued an order denying complainant's grievance. Subsequently, the SLA adopted the hearing officer's decision as final agency action. Complainant sought review by a Federal arbitration panel of that decision.

#### Arbitration Panel Decision

The issue heard by the panel was whether the Alabama Department of Rehabilitation Services violated the Act, 20 U.S.C. 107 *et seq.*, the implementing regulations in 34 CFR part 395, and its own rules and regulations in the alleged improper termination of complainant from managing the military dining facility at Redstone Arsenal.

After reviewing all of the records and hearing testimony of witnesses, the majority of the panel ruled that the SLA acted properly and in full and fair compliance with the Act, implementing regulations, and State rules and regulations. Therefore, the panel denied complainant's grievance. One panel member dissented.

The views and opinions expressed by the panel do not necessarily represent the views and opinions of the Department.

#### Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: <http://www.ed.gov/news/fedregister>.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

**Note:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.gpoaccess.gov/nara/index.html>.

Dated: June 14, 2007.

**John H. Hager,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. E7-12146 Filed 6-21-07; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF ENERGY

### Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation

**AGENCY:** Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge Reservation. The Federal Advisory Committee Act (Pub. L. No. 92-463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

**DATES:** Wednesday, July 11, 2007, 6 p.m.

**ADDRESSES:** DOE Information Center, 475 Oak Ridge Turnpike, Oak Ridge, Tennessee.

**FOR FURTHER INFORMATION CONTACT:** Pat Halsey, Federal Coordinator, Department of Energy Oak Ridge Operations Office, P.O. Box 2001, EM-90, Oak Ridge, TN 37831. Phone (865) 576-4025; Fax (865) 576-5333 or e-mail: [halseypj@oro.doe.gov](mailto:halseypj@oro.doe.gov) or check the Web site at <http://www.oakridge.doe.gov/em/ssab>.

#### SUPPLEMENTARY INFORMATION:

*Purpose of the Board:* The purpose of the Board is to make recommendations to DOE in the areas of environmental restoration, waste management, and related activities.

*Tentative Agenda:* The main meeting topic is "The Federal Facility Agreement, Appendixes E and J."

*Public Participation:* The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to the agenda item should contact Pat Halsey at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is

empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comment will be provided a maximum of five minutes to present their comments.

*Minutes:* Minutes of this meeting will be available for public review and copying at the Department of Energy's Information Center at 475 Oak Ridge Turnpike, Oak Ridge, TN between 8 a.m. and 5 p.m., Monday through Friday, or by writing to Pat Halsey, Department of Energy Oak Ridge Operations Office, P.O. Box 2001, EM-90, Oak Ridge, TN 37831, or by calling her at (865) 576-4025.

Issued at Washington, DC on June 18, 2007.

**Rachel M. Samuel,**

*Deputy Advisory Committee Management Officer.*

[FR Doc. E7-12094 Filed 6-21-07; 8:45 am]

**BILLING CODE 6450-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8330-3]

### 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 Environmental Defense, Natural Resources Defense Council, and Sierra Club (hereinafter "Petitioners"): *Environmental Defense et al. v. Environmental Protection Agency*, No. 06-1164 (DC Cir.). On or about May 9, 2006, Petitioners filed a complaint challenging EPA's Transportation Conformity Hot-Spot Final Rule, alleging that the rule failed to satisfy the Clean Air Act's transportation conformity criteria, that it permitted EPA to issue particulate matter (PM) hot-spot guidance without following required procedures, and that it withdrew a motor vehicle emissions factor model for use in PM hot-spot analysis without following required procedures. Under the terms of the proposed settlement agreement, Petitioners agree to dismiss the claim relating to issuance of PM hot-spot guidance once EPA provides public notice of and an opportunity to comment on such guidance.

**DATES:** Written comments on the proposed settlement agreement must be received by July 23, 2007.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA-HQ-OGC-2007-0505, 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:** Susmita Dubey, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone: (202) 564-5577; fax number (202) 564-5603; e-mail address: [dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov).

**SUPPLEMENTARY INFORMATION:**

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

EPA first issued regulations in 1993 to implement the transportation conformity requirement in Section 176(c) of the Clean Air Act. The regulations included a specific requirement that transportation projects be analyzed for local emissions impacts (the "hot-spot" analysis) in addition to required regional emissions analyses. At that time, the hot-spot requirements applied to carbon monoxide and particulate matter less than ten micrometers in diameter (PM<sub>10</sub>). 58 FR 62188 (November 24, 1993).

In March 2006, EPA amended the conformity regulations to apply the hot-spot analysis requirements to fine particulate matter (PM<sub>2.5</sub>). 71 FR 12468 (March 10, 2006) (the "2006 hot-spot rule"). That regulation extended to PM<sub>2.5</sub> the pre-existing provisions that required quantitative PM hot-spot analyses for certain transportation projects only after EPA issues guidance for such analyses and then announces that the quantitative analysis requirement is in effect. 40 CFR 93.123(b)(1) and (b)(4). Until such time, PM<sub>10</sub> and PM<sub>2.5</sub> hot-spot analyses are to be done for such projects through a qualitative analysis. 40 CFR 93.123(b)(2). EPA stated in the preamble

to the 2006 hot-spot rule that appropriate tools and guidance are needed to ensure credible and meaningful quantitative PM<sub>2.5</sub> and PM<sub>10</sub> hot-spot analyses. 71 FR 12498. Guidance for PM quantitative hot-spot analyses would be available in the future. 71 FR 12502.

Several environmental organizations challenged the 2006 hot-spot rule. Petitioners alleged that: (1) The regulation does not require that hot-spot analyses satisfy all of the requirements in Section 176(c) of the Act for demonstrating conformity, (2) the regulation allows EPA to issue quantitative PM modeling guidance without notice-and-comment rulemaking, in violation of the Administrative Procedure Act, and (3) EPA had previously approved its current motor vehicle emissions factor model (MOBILE6.2) for use in PM hot-spot analyses and improperly withdrew that approval in the 2006 hot-spot rule.

Petitioners and EPA negotiated a settlement of the second claim described above. The settlement agreement would require EPA to provide public notice and an opportunity for public comment on its draft guidance for quantitative hot-spot modeling for PM<sub>2.5</sub> and PM<sub>10</sub>. EPA would publish a notice in the **Federal Register** announcing the availability of the draft guidance, provide the EPA web page at which the guidance will be available, and allow at least 30 days for the public to comment on the draft guidance. EPA would also agree to make available to the public any information it relied on in developing the draft guidance. Finally, EPA would publish a notice in the **Federal Register** announcing the final guidance and explaining when the quantitative PM hot-spot modeling requirement will be in effect. Following execution of the settlement agreement, the second claim described above would be severed from the rest of the litigation, placed in a separate docket, and held in abeyance until such time as EPA has completed its obligations under the agreement. At such time, the new docket would be dismissed.

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 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-2007-0505, 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 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* 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*, 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: June 15, 2007.

**Richard B. Ossias,**

*Associate General Counsel.*

[FR Doc. E7-12165 Filed 6-21-07; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[ER-FRL-6688-3]

**Environmental Impact Statements and Regulations; Availability of EPA Comments**

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at 202-564-7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in the **Federal Register** dated April 6, 2007 (72 FR 17156).

**Draft EISs**

EIS No. 20070080, ERP No. D-NIG-K60038-CA, Graton Rancheria Casino and Hotel Project, Transfer of Land into Trust, Implementation, Federated Indians of Graton Rancheria (Tribe), Sonoma County, CA.

*Summary:* EPA expressed environmental concerns about impacts to groundwater, and recommended the evaluation and selection of a reduced-size alternative and a commitment to green building practices. Rating EC2.

EIS No. 20070120, ERP No. D-FRC-E05102-SC, Santee Cooper Hydroelectric Project (FERC. No. 199), Relicensing for Existing 130-megawatt (MW), Santee and Cooper Rivers, Berkeley, Calhoun, Clarendon, Orangeburg and Sumter Counties, SC.

*Summary:* EPA expressed environmental concerns about water quality from dam releases. EPA supports an overall monitoring approach following license issuance that includes rigorous continuous dissolved oxygen (DO) and temperature monitoring, and a commitment to pursue a DO enhancement program based on the results of this monitoring. Rating EC1.

EIS No. 20070130, ERP No. D-NOA-B91029-00, Phase I—Essential Fish Habitat Omnibus Amendment #2, Designations for 27 Species, Amendment #14 to the Northeast Multispecies FMP, Amendment #14 to the Atlantic Scallop FMP, Amendment #3 to the Atlantic Herring FMP, Amendment 4 to the Monkfish FMP, Amendment 1 to the Deep-Sea Red Crab FMP, Amendment 2 to the Skates FMP and Amendment 3 to the Atlantic Salmon FMP, Maine to North Carolina.

*Summary:* EPA does not object to the project as proposed. Rating LO.

EIS No. 20070133, ERP No. D-FRC-E03016-GA, Elba III Project, Construct, Operate and Acquire Facilities to move Re-Vaporized Liquefied Natural Gas (LNG), U.S. Army COE Section 10 and 404 Permits and U.S. Coast Guard Permit, Elba Island, Chatham County, GA.

*Summary:* EPA expressed environmental concerns because the draft EIS did not include an analysis of all potential pollutant emissions for the project and facility. EPA recommended that the final EIS provide a complete air quality assessment of the entire terminal facility to complement the assessment of the proposed terminal expansion. EPA also recommended that additional information be provided in the final EIS regarding general conformity requirements. Rating EC2.

EIS No. 20070149, ERP No. D-FRC-G03034-00, Southeast Expansion Project, Construction and Operation of 110.8 miles for Natural Gas Pipeline and Associated Ancillary Facilities, TX and LA.

*Summary:* EPA does not object to the proposed action. Rating LO.

EIS No. 20070155, ERP No. D-USA-E15000-GA, Fort Benning U.S. Army Infantry Center, Base Realignment and Closure (BRAC) 2005 and Transformation Actions, Implementation, Chattahoochee and Muscogee Counties, GA.

*Summary:* EPA expressed environmental concerns about impacts to air quality, aquatic habitats, wetlands, and water quality, and recommends several actions that Fort Benning could implement during construction and long term operations to assist in meeting air quality standards. Rating EC2.

EIS No. 20070159, ERP No. D-COE-E39068-FL, Central and Southern Florida Project, Comprehensive Everglades Restoration Plan, Caloosahatchee River (C-43) West Basin Storage Reservoir Project, Restoration of the Ecosystem in Caloosahatchee Estuary, Lake Okeechobee, FL.

*Summary:* EPA supports this major component of the Comprehensive Everglades Restoration Plan, and provided comments regarding water quality assurance for flows released from the proposed C-43 Basin Storage Reservoir to benefit the lower Caloosahatchee River and Estuary. Rating EC1.

EIS No. 20070160, ERP No. DD-NOA-B91017-00, Atlantic Sea Scallop Fishery Management Plan (FMP), Amendment 11, Implementation to Control Capacity and Mortality in the