

of a proposed settlement agreement in the following case filed in the U.S. Court of Appeals for the District of Columbia Circuit: *Antek Instruments v. EPA*, No. 00-1149. This case concerns the U.S. Environmental Protection Agency's (EPA) promulgation of regulations requiring refiners and importers of gasoline to control sulfur content in their product and to test for sulfur content using a specified test procedure.

DATES: Written comments on the proposed settlement agreement must be received by June 16, 2003.

ADDRESSES: Copies of the proposed settlement are available from Phyllis Cochran, Air and Radiation Division (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, (202)564-7606. Written comments should be sent to Susmita Dubey at the above address and must be submitted on or before June 16, 2003.

SUPPLEMENTARY INFORMATION: In February 2000, EPA promulgated regulations limiting sulfur content in gasoline. 65 FR 6698 (April 10, 2000). The regulations include a requirement that gasoline refiners and importers test their product for sulfur content using a specified test procedure. Antek Instruments filed a petition challenging the final rule. EPA and Antek entered into negotiations and have reached a proposed settlement of this litigation. The proposed settlement agreement outlines a rulemaking proposal to identify alternative sulfur test procedures that can be used to satisfy the regulatory testing requirement, if the resulting test result is correlated with the rule's primary test method.

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 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of Justice determine, based on any comment which may be submitted, that consent to the settlement agreement should be withdrawn, the terms of the agreement will be affirmed.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: May 8, 2003.

Lisa K. Friedman,

Associate General Counsel, Air and Radiation Law Office.

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ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-6640-3]

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 1, 2003 (68 FR 16511).

Draft EISs

ERP No. D-COE-E32180-FL Rating EC1, Miami Harbor Navigation Improvements Project to Study the Feasibility of Widening and Deepening Portions of the Port, Miami-Dade County, FL.

Summary: EPA expressed some environmental concerns about the unavoidable project impacts to sensitive biological resources, but concluded the proposed mitigation plan should adequately address these losses in the long-term.

ERP No. D-FHW-H40178-MO Rating EC2, I-64/US 40 Corridor, Reconstruction of the existing I-64/US 40 Facility with New Interchange Configurations and Roadway, Funding, City of St. Louis, St. Louis County, MO.

Summary: EPA has environmental concerns regarding the proposed project on the basis of the degree of information provided to ensure compliance with section 4(f). EPA requests that consultation with the State Historical Preservation Officer (SHPO) be undertaken to identify appropriate mitigation measures for the properties that will be adversely impacted if the preferred alternative is selected. EPA also requests that identified Environmental Justice communities be evaluated for opportunities to reduce cumulative environmental and human health burdens through project implementation.

ERP No. D-NRC-H06005-NE Rating EC2, GENERIC EIS—Fort Calhoun

Station, Unit 1, Renewal of the Operating Licenses (OLs) for an Additional 20 Years, Supplement 12 (NUREG-1437) Omaha Public Power District, Washington County, NE.

Summary: EPA expressed environmental concerns with the proposed re-licensing on the basis of the long (10 year) lead time before the current license expires. EPA recommended that the NRC improve cumulative effects information on current and future heat contributors to the Missouri River, and that NRC detail possible cooling strategies if faced with limited Missouri River assimilative capacity (heat) in the future.

ERP No. DS-AFS-L65300-ID Rating LO, Goose Creek Watershed Project, Reviewing and Updating Information on the Pileated Woodpecker and Soil Impacts, Payette National Forest, New Meadows Ranger District, Adams County, ID.

Summary: EPA has no concerns with the proposed action; however, EPA suggests including information on the potential cumulative effects of 5 other proposed timber sale projects on pileated woodpecker habitat within the National Forest.

ERP No. DS-AFS-L65325-ID Rating LO, Sloan-Kennally Timber Sale Project, Reviewing and Updating Information on the Pileated Woodpecker and Soil Impacts, Payette National Forest, McCall Ranger District, Adams County, ID.

Summary: EPA has no significant concerns with the proposed action; however, EPA suggests including information on the potential cumulative effects of 5 other proposed timber sale projects on pileated woodpecker habitat within the National Forest.

ERP No. DS-AFS-L65336-ID Rating LO, Brown Creek Timber Sale Project, Reviewing and Updating Information on the Pileated Woodpecker and Soil Impacts, Payette National Forest, New Meadow Ranger District, Adams County, ID.

Summary: EPA expressed no concerns with the proposed action; however, EPA suggests including information on the potential cumulative effects of 5 other proposed projects on pileated woodpecker habitat within the National Forest.

ERP No. DS-AFS-L65346-ID Rating LO, Middle Fork Weiser River Watershed Project, Reviewing and Updating Information on the Pileated Woodpecker and Soil Impacts, Payette National Forest, Council Ranger District, Adams County, ID.

Summary: EPA has no concerns with the proposed action; however, EPA suggests including information on the