

(FACA), Public Law 92-463, and section 102-3.175(c) of the General Services Administration's (GSA) Final Rule on Federal Advisory Committee Management, the Department of Energy's 2002 Annual Report of Closed Advisory Committee meetings has been issued. The report covers three closed meetings of the National Nuclear Security Administration Advisory Committee held October 19-20, 2001, in McLean, Virginia; February 12-13, 2002 (Partially Closed), in McLean, Virginia; and May 14-15, 2002, in McLean, Virginia.

The report is available for public review and copying at the Department of Energy's Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, between 9 a.m. and 4 p.m.; Monday through Friday, except Federal holidays. For further information contact me at the U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC, 20585.

Issued in Washington, DC, on November 12, 2003.

**Rachel Samuel,**

*Deputy Advisory Committee Management Officer.*

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## **ENVIRONMENTAL PROTECTION AGENCY**

**[FRL-7587-8]**

### **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 and stipulation modifying the settlement agreement, to address two lawsuits filed by Association of Irrigated Residents and Medical Advocates for Healthy Air ("Petitioners"): No. 03-71973 (9th Circuit). Pursuant to section 307(b)(1) of the Clean Air Act Petitioners filed petitions for review of EPA documents implementing a federal title V permitting program for agricultural sources in California and setting guidelines for permit applications for major sources due to diesel engine emissions. Under the terms of the proposed settlement agreement EPA

would withdraw these documents from EPA's Region 9 Web site and publish revised national guidance that is non-binding. The proposed stipulation would remove this last requirement.

**DATES:** Written comments on the proposed stipulation of settlement agreement must be received by December 18, 2003.

**ADDRESSES:** Submit your comments, identified by docket ID number OGC-2003-0002, online at <http://www.epa.gov/edocket> (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:**

Apple Chapman, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460, telephone: (202) 564-7606.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Additional Information About the Proposed Settlement Agreement and Stipulation Modifying the Settlement Agreement**

Petitioners allege that the title V permit application guidance EPA published for agricultural sources in California excludes, without rulemaking, certain agricultural major sources of air pollution from regulation.

The settlement agreement provides that: (1) EPA will file an Unopposed Motion for Voluntary Remand with the Ninth Circuit Court of Appeals and that within five days of a court order granting this motion, EPA will withdraw the guidance documents and remove them from the Region 9 website; (2) EPA will publish new, nonbinding nationwide guidance that better explains a facility's "potential to emit" (PTE) in the context of diesel engines used as agricultural pumps; and (3) EPA will publish a notice establishing a new Title V permit application deadline of November 13, 2003, for sources in California that are subject to Title V regulation under the new PTE guidance.

On September 22, 2003, the Governor of the State of California signed legislation removing the agricultural exemption that prevented full approval of 34 Title V programs in the State. On October 8, 2003, the EPA proposed to approve this revision to 34 Title V programs in the State of California. In light of the expected final action to approve the State program revisions, the Parties have agreed that EPA PTE guidance is not required at this time. Therefore, the stipulation amending the settlement agreement would remove EPA's obligation to publish new, nonbinding guidance. Final action of the proposal to approve the revisions to the 34 California Title V programs will also terminate EPA's implementation of a part 71 Federal operating permit program for State-exempt major stationary agricultural sources within the jurisdiction of the 34 California air districts. Accordingly, the stipulation also removes the requirement that EPA establish a new Title V permit application deadline of November 13, 2003.

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 and stipulation amending the 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 and stipulation 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 and stipulation should be withdrawn, the terms of the agreement will be affirmed.

##### **II. Additional Information About Commenting on the Proposed Settlement Agreement and Stipulation**

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

EPA has established an official public docket for this action under Docket ID No. OGC-2003-0002 which contains a copy of the settlement agreement and stipulation amending the 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