

of § 194.22(c)(4) (condition 3 of appendix A to 40 CFR part 194). EPA's approval process for waste generator sites is described in § 194.8. As part of our decision-making process, the DOE is required to submit to EPA appropriate documentation of quality assurance and waste characterization programs at each DOE waste generator site seeking approval for shipment of TRU radioactive waste to WIPP. In accordance with § 194.8, we will place such documentation in the official Air Docket in Washington, DC, and informational dockets in the State of New Mexico for public review and comment.

DOE has notified EPA that the Savannah River Site is preparing to ship waste to the WIPP. EPA will perform an inspection of the site's technical and quality assurance programs for waste characterization in accordance with Conditions 2 and 3 of the WIPP certification. The inspection is scheduled to take place the weeks of November 6 and November 13, 2000.

EPA has placed two documents pertinent to the inspection in the public docket described in **ADDRESSES**. The documents are entitled: (1) "Savannah River Site WIPP Disposal Program Quality Assurance Project Plan, WSRC-RP-99-01097," (2) "Savannah River Site WIPP Disposal Program Quality Assurance Program Document, WSRC-RP-99-01119," and (3) "Savannah River Site WIPP Disposal Program Waste Certification Plan, WSRC-RP-99-01095" (Item II-A2-28). In accordance with 40 CFR 194.8, as amended by the final certification decision, we are providing the public 30 days to comment on these documents.

If we determine as a result of the inspection that the proposed processes and programs at the Savannah River Site adequately control the characterization of transuranic waste, we will notify DOE by letter and place the letter in the official Air Docket in Washington, DC, as well as in the informational docket locations in New Mexico. A letter of approval will allow DOE to ship transuranic waste from the Savannah River Site to the WIPP. We will not make a determination of compliance prior to the inspection or before the 30-day comment period has closed.

Information on the certification decision is filed in the official EPA Air Docket, Docket No. A-93-02 and is available for review in Washington, DC, and at three EPA WIPP informational docket locations in New Mexico. The dockets in New Mexico contain only major items from the official Air Docket in Washington, DC, plus those documents added to the official Air

Docket since the October 1992 enactment of the WIPP LWA.

Dated: October 30, 2000.

Robert Perciasepe,

Assistant Administrator for Air and Radiation.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6900-3]

Proposed Settlement Agreements on Regulations Under Section 126 of the Clean Air Act Reducing Regional Transport of Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA hereby gives notice of three proposed Settlement Agreements regarding certain issues in the case entitled *Appalachian Power v. EPA*, Nos. 99-1200, *et al.* (D.C. Cir.). Specifically, the Settlement Agreements address issues in the following cases, consolidated with *Appalachian Power v. EPA; Weyerhaeuser Co. v. EPA*, No. 00-1126; *West Virginia Manufacturers Ass'n, et al. v. EPA*, Nos. 99-1246 & 00-1125; *West Virginia Chamber of Commerce et al. v. EPA*, Nos. 99-1205 & 00-1024; *Birchwood Power Partners, et al. v. EPA*, No. 00-1116; *Southern Energy Gen. L.L.C. v. EPA*, No. 00-1117. EPA issues this notice in accordance with section 113(g) of the Clean Air Act, as amended (the "ACT"), which requires EPA to give notice and provide an opportunity for public comment on proposed settlement agreements.

The litigation concerns EPA's promulgation of two final rules under section 126 of the Act (collectively the "section 126 rule") pertaining to control of interstate transport of ozone. See 64 FR 28250 (May 25, 1999); 65 FR 2674 (January 18, 2000). Under the section 126 rule, certain upwind stationary sources of nitrogen oxides (NO_x) emissions in twelve states and the District of Columbia must hold NO_x emission allowances equivalent to the quantity of their NO_x emissions. The section 126 rule allocates quantities of NO_x allowances to each covered source. Various parties have filed petitions for review of the section 126 rule under section 307(b)(1) of the Act. Several of these parties have raised claims that EPA incorrectly allocated NO_x allowances to certain units under the section 126 rule and that the parties did not have the opportunity to comment on

the incorrect allocations during the rulemaking process. The proposed Settlement Agreements provide that EPA will propose a rule to modify the allowance allocations for certain units and that the parties will dismiss these claims if EPA issues a final rule consistent with the proposed rule.

Persons who were not named as parties or interveners to this litigation may submit written comments on the proposed settlement agreement to EPA. EPA will accept such comments for a period of thirty days from the date of publication of this notice. EPA or the Department of Justice may withhold or withdraw consent to the proposed Settlement Agreement if the comments disclose facts or circumstances that indicated that the agreement is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice makes such a determination following the comment period, EPA will take the actions set forth in the Settlement Agreement.

A copy of the proposed Settlement Agreement is available from Phyllis Davis, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, (202) 564-5566. Written comments should be sent to Alexandra Teitz, Esq., at the above address and must be submitted on or before December 13, 2000.

Dated: October 31, 2000.

Anna Wolgast,

Acting General Counsel.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6900-1]

Clean Water Act Section 303(d): Availability of Total Maximum Daily Loads (TMDLs)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This notice announces the availability for comment of the administrative record file for nine TMDLs prepared by EPA Region 6 for waters listed in Louisiana's Mermentau and Vermilion/Teche river basins, under section 303(d) of the Clean Water Act (CWA). EPA prepared these TMDLs in response to a Court Order dated October 1, 1999, in the lawsuit *Sierra*