

agreement, which was filed with the United States Court of Appeals for the District of Columbia Circuit by the United States Environmental Protection Agency ("EPA") on November 21, 2000, to address a lawsuit filed by the Sierra Club and the New York Public Interest Research Group (collectively referred to as "Sierra Club"). Sierra Club filed a petition for review pursuant to section 307(b) of the Act, 42 U.S.C. 7607(b) challenging EPA's extension of the interim approval of title V permitting programs for approximately 80 permitting authorities. *Sierra Club v. EPA*, No. 00-1262 (D.C. Cir.).

DATES: Written comments on the proposed settlement agreement must be received by January 8, 2001.

ADDRESSES: Written comments should be sent to Jan M. Tierney, Air and Radiation Law Office (2344), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Copies of the proposed settlement agreement are available from Phyllis J. Cochran, (202) 564-5566. A copy of the proposed settlement agreement was filed with the Clerk of the United States Court of Appeals for the District of Columbia Circuit on November 21, 1999.

SUPPLEMENTARY INFORMATION: Sierra Club alleges that EPA acted contrary to law by extending the interim approval of title V permitting programs for more than 80 permitting authorities. Under title V of the CAA, EPA promulgated regulations specifying the requirements for State operating permit programs. States, or local permitting authorities to which the States delegated authority, submitted programs to EPA for approval in the early to mid 1990's. Pursuant to section 502(g) of the Act, 42 U.S.C. 7661a(g), EPA granted interim approval of a number title V permitting programs. Subsequently, EPA extended the interim approval of programs through a series of notices in the **Federal Register**. Most recently, on May 22, 2000, EPA took final action extending the interim approval for approximately 80 title V permitting programs and Sierra Club challenged that final action.

The settlement agreement provides that Sierra Club's challenge to EPA's final action will be stayed pending several actions by the Agency. Pursuant to the key provisions of the settlement agreement, Sierra Club may request the court to lift the stay of the litigation if EPA fails to: (A) Propose by December 15, 2000, amendments to 40 CFR 70.4(d)(2) to eliminate language that could be construed to grant EPA authority to extend further interim

approval of a title V permitting program; (B) take final action by June 1, 2000, promulgating such amendments; (C) notify by December 1, 2000, each permitting authority by letter that a federal program will apply if EPA has not fully approved a revised title V permit program for the area by December 1, 2001; and (D) issue by December 1, 2000, a notice informing the public that they may submit comment identifying deficiencies with approved or interim approved title V permit programs and that EPA will respond to such comments by specified dates.

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 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, following the comment period, that consent is inappropriate, the settlement agreement will be final.

Dated: December 1, 2000.

Anna Wolgast,

Acting General Counsel.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6913-6]

Notice of Settlement Extension: National Ambient Air Quality Standard; Sulfur Oxides Remand

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of settlement extension.

SUMMARY: In 1998, the United States Court of Appeals for the D.C. Circuit remanded EPA's decision to not revise the National Ambient Air Quality Standard for sulfur oxides for further explanation by EPA. *American Lung Association v. Browner*, 134 F. 3d 388 (D.C. Cir. 1998). Subsequently, the American Lung Association (ALA) and EPA agreed that EPA would propose a response to the court's remand by summer, 1999 and that EPA would finalize its response to the remand by the end of the year 2000. In exchange,

ALA agreed to not file a petition for rehearing en banc with the court and to not pursue any mandatory duty or unreasonable delay claims regarding the remand prior to January, 2001.

In September 1999, EPA and ALA met to discuss the status of the remand and agreed to extend the summer, 1999 deadline until January 15, 2000.

Since that time EPA and ALA have continued discussions and EPA has continued to work on the remand. As a result, EPA and ALA have agreed that by the end of 2000, EPA will publish a notice in the **Federal Register** describing the status of the remand and related activities and soliciting appropriate comment. For its part, ALA has agreed not to pursue any mandatory duty or unreasonable delay claims regarding the remand prior to January, 2001.

Dated: December 1, 2000.

Anna Wolgast,

Acting General Counsel.

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ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-6613-4]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564-7167 or www.epa.gov/oeca/ofa.

Weekly receipt of Environmental Impact Statements Filed November 27, 2000 Through December 1, 2000 Pursuant to 40 CFR 1506.9.

EIS No. 000416, DRAFT EIS, SFW, CA, Metro Air Park Habitat Conservation Plan, Issuance of an Incidental Take Permit, To Protect, Conserve and Enhance Fish, Wildlife and Plants and their Habitat, Natomas Basin, Sacramento County, CA, Due: February 6, 2001, Contact: Vickie Campbell (916) 414-6600.

EIS No. 000417, DRAFT EIS, NPS, GA, Cumberland Island National Seashore General Management Plan, Wilderness Management Plan, Commercial Services Plan, Interpretation Plan, Resource Cultural and Natural Management Plan, Implementation, St. Marys County, GA, Due: April 9, 2001, Contact: Arthur Frederick (912) 882-4336.

EIS No. 000418, FINAL EIS, AFS, MN, Little East Creek Fuel Reduction Project, Plan to Grant Access Across Federal Land to Non-Federal Landowners, Implementation, LaCroix Ranger District, Superior