

PROJECT MAILING LIST, CONTACT: Mr. Allan Ota, U.S. Environmental Protection Agency, Region 9, Dredging and Sediment Management Team (WTR-8), 75 Hawthorne Street, San Francisco, California 94105-3901, Telephone: (415) 972-3476 or Fax: (415) 947-3537 or E-mail: R9Guam_ODMDS_Scoping@epa.gov.

SUMMARY: EPA intends to conduct public meetings and collect public comments in advance of preparing an EIS to designate a permanent ODMDS off Apra Harbor, Guam. This EIS will be prepared in cooperation with the U.S. Department of the Navy (Navy). An EIS is needed to provide the environmental information necessary to evaluate the potential environmental impacts associated with ODMDS alternatives and select a preferred alternative that meets EPA's site selection criteria at 40 CFR 228.5 and 228.6.

Need for Action: Both the Navy and the Port Authority of Guam (PAG) have plans to expand their operations in Apra Harbor, Guam. Expansion of the Apra Harbor Naval Complex and Commercial Port is proposed to accommodate projected increases in vessel and cargo traffic, newer classes of vessels and dockside maintenance and support operations. Expansion plans would require dredging to increase water depths for the safe navigation of military and commercial vessels. In addition, ongoing navigation activities also require periodic maintenance dredging. It should be noted that designation of an ODMDS does not constitute approval of ocean disposal. The Corps, with EPA concurrence, must first determine on a case by case basis that the proposed dredged material is suitable and that all beneficial reuse or other alternatives to ocean disposal have been considered. However, not all of the anticipated dredged materials can be accommodated in existing landfills and these sediments may not all be suitable for beneficial reuse (e.g., construction fills, wetlands restoration). Therefore, it is necessary to establish a permanent ODMDS to accommodate dredged material generated from anticipated new work and maintenance dredging in Apra Harbor.

Alternatives: The following proposed alternatives have been tentatively defined.

—“No Action”—Do not designate a permanent ODMDS, and continue to manage dredged material generated from new work and maintenance dredging with existing landfill and construction fill options subject to disposal volume limits. Future expansion of the naval and

commercial port facilities will be limited significantly.

—“North Alternative ODMDS”—Designate a permanent ODMDS north of Apra Harbor, Guam, in a study area approximately 12–15 nautical miles offshore and in depths ranging from 6,000 to 6,600 feet.

—“Northwest Alternative ODMDS”—Designate a permanent ODMDS northwest of Apra Harbor, Guam, in a study area approximately 9–15 nautical miles offshore and in depths ranging from 6,600 to 8,400 feet.

The North and Northwest study areas were identified in the Zone of Siting Feasibility (ZSF) Study, Ocean Dredged Material Disposal Site, Apra Harbor, Guam, Final Report (September 2006). This ZSF study excluded areas from further consideration, such as: shipping lanes, navigational hazards, military operating areas (i.e., for submarines), marine protected areas (i.e., marine preserves), and important fishing areas (commercial and recreational).

Scoping: EPA is requesting written comments from federal, state, and local governments, industry, non-governmental organizations, and the general public on the range of alternatives considered, specific environmental issues to be evaluated in the EIS, and the potential impacts of the alternatives for an ODMDS designated offshore of Apra Harbor, Guam. Scoping comments will be accepted for 45 days, beginning with the date of this Notice. A public scoping meeting is scheduled on the following date: December 6, 2007, from 6–8 p.m., at The Weston Resort Guam, 105 Gun Beach Road, Tumon, Guam. The EPA presentation will be followed by public comments and questions.

Estimated Date of Draft EIS Release: March 2009.

Dated: November 9, 2007.

Laura Yoshii,
Deputy Regional Administrator,
Environmental Protection Agency, Region 9.

Dated: November 20, 2007.

Anne Norton-Miller,
Director, OFA.
[FR Doc. E7-23043 Filed 11-26-07; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2006-0340; FRL-8499-5]

Renewable Fuel Standard Under Section 211(o) of the Clean Air Act as Amended by the Energy Policy Act of 2005

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 211(o) of the Clean Air Act (the Act), as amended by the Energy Policy Act of 2005, requires the Administrator of the Environmental Protection Agency (EPA) to annually determine a renewable fuel standard (RFS) which is applicable to refiners, importers and certain blenders of gasoline, and publish the standard in the **Federal Register** by November 30 of each year. On the basis of this standard, each obligated party determines the volume of renewable fuel that it must ensure is consumed as motor vehicle fuel. This standard is calculated as a percentage, by dividing the amount of renewable fuel that the Act requires to be blended into gasoline for a given year by the amount of gasoline expected to be used during that year, including certain adjustments specified by the Act. In this notice we are publishing an RFS of 4.66% for 2008.

FOR FURTHER INFORMATION CONTACT: Chris McKenna, Environmental Protection Agency, MC 6406J, 1200 Pennsylvania Ave., NW., Washington, DC 20460; *telephone number:* 202-343-9037; *fax number:* 202-343-2801; *e-mail address:* mckenna.chris@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Calculation of the 2008 RFS

A. Background

The preamble to the final rulemaking for the Renewable Fuel Standard Program included a projected RFS for 2008 of 4.63%. 72 FR 23912 (May 1, 2007). In today's notice we are again using the calculational procedure from the final rulemaking to calculate the 2008 RFS. However, since some projections and assumptions used in the final rulemaking to calculate the projected 2008 RFS have changed, today's notice includes a recalculated and final 2008 RFS using the most recently available information. Since the RFS rule established clear legal criteria for deriving the standard (including specification of the formula used in today's notice, and all data sources), EPA is simply applying facts to pre-established law in issuing the final 2008 RFS standard. EPA is advising the

regulated community of the revised standard through a **Federal Register** Notice, without prior notice and comment, in accordance with the Clean Air Act and EPA regulations.

The 2008 RFS is calculated by dividing the volume of renewable fuels required by the Act to be blended into gasoline in 2008, by the volume of gasoline projected by the Energy Information Administration (EIA) to be

consumed in 2008 (including certain adjustments specified by the Act). The following equation from the final RFS Program regulations summarizes all of the variables that must be considered in the calculation.

$$\text{RFStd}_i = 100 \times \frac{\text{RFV}_i - \text{Cell}_i}{(\text{G}_i - \text{R}_i) + (\text{GS}_i - \text{RS}_i) - \text{GE}_i}$$

Where:

RFStd_i = Renewable Fuel Standard in year i, in percent

RFV_i = Annual volume of renewable fuels required by section 211(o)(2)(B) of the Act for year i, in gallons

G_i = Amount of gasoline projected to be used in the 48 contiguous states, in year i, in gallons

R_i = Amount of renewable fuel blended into gasoline that is projected to be consumed in the 48 contiguous states, in year i, in gallons

GS_i = Amount of gasoline projected to be used in Alaska, Hawaii, or a U.S. territory in year i if the state or territory opts-in, in gallons

RS_i = Amount of renewable fuel blended into gasoline that is projected to be consumed in Alaska, Hawaii, or a U.S. territory in year i if the state or territory opts-in, in gallons

GE_i = Amount of gasoline projected to be produced by exempt small refineries and small refiners in year i, in gallons (through 2010 only unless exemption extended under §§ 211(o)(9)(A)(ii) or (B)).

Cell_i = Beginning in 2013, the amount of renewable fuel that is required to come from cellulosic sources, in year i, in gallons (250,000,000 gallons minimum)

B. Data Sources for 2008 RFS Calculation

The following discussion describes the sources of data for the variables in the above equation. For ease of calculation, this discussion regroups the terms (G_i - R_i) + (GS_i - RS_i) in the denominator of the above equation into the terms (G_i + GS_i) - (R_i + RS_i).

Calculation of (RFV_i - Cell_i), Total Amount of Renewable Fuels From Non-cellulosic Sources That Must Be Blended Into Gasoline in 2008

The Act requires 5.4 billion gallons of renewable fuels to be blended into gasoline in 2008. Because there is no cellulosic volume requirement in the Act until 2013, the amount of renewable fuel that the Act requires to be produced from cellulosic sources in 2008 (Cell_i) is zero. Thus the total amount of renewable fuels from non-cellulosic sources that must be blended into gasoline in 2008 is 5.4 billion gallons.

Calculation of (G_i + GS_i), Total Amount of Gasoline Projected To Be Used in the 48 Contiguous States Plus Opt-in States/Territories, in Year i, in Gallons

The Act requires the Administrator of the EIA by October 31 of each year to provide EPA with an estimate of the volumes of gasoline projected to be sold or introduced into commerce in the United States for the following year. During the development of the RFS Program, EIA informed EPA that the projected gasoline consumption in "Table 4a: U.S. Petroleum Supply, Consumption, and Inventories" (formerly "Table 5a. U.S. Petroleum Supply and Demand: Base Case") of the October issue of the monthly *Short-Term Energy Outlook* (STEO) should be used to calculate the RFS for the coming year. The October 2007 STEO projects that an average of 9.42 million barrels/day of gasoline will be consumed in all of the United States in 2008. Multiplying this average consumption rate by 366 days (2008 is a leap year) produces a total consumption of 144.80 billion gallons of gasoline in 2008.

Only one non-contiguous state or territory has petitioned EPA to opt into the RFS Program beginning in 2008. Hawaii petitioned EPA on June 22, 2007 to opt into the RFS program, and EPA approved their request.¹ Thus, Alaska is the only one of the 50 states that is not included in the RFS Program.

In order to calculate gasoline consumption in the 48 contiguous states plus Hawaii, we subtracted Alaska's projected gasoline consumption from the projected nationwide gasoline consumption of 144.80 billion gallons. Alaska's projected gasoline consumption was calculated by multiplying the projected nationwide gasoline consumption in 2008 by the ratio of Alaska's gasoline consumption in 2006 to the total U.S. consumption in 2006, based on Table 48, "Prime Supplier Sales Volumes of Motor Gasoline by Grade Formulation, PAD District, and State" gasoline data from

EIA's *Petroleum Marketing Annual* 2006 (the final rulemaking used data from *Petroleum Marketing Annual* 2005). According to EIA, Prime Supplier data reflects where gasoline is used, rather than where it is produced.² Alaska's projected gasoline consumption in 2008 is 0.30 billion gallons. Subtracting this consumption from the projected nationwide consumption of 144.80 billion gallons in 2008 produces a total consumption of 144.50 billion gallons of gasoline in 2008 in the 48 contiguous states plus Hawaii.

Calculation of (R_i + RS_i), Total Amount of Renewable Fuel Blended Into Gasoline That Is Projected To Be Consumed in the 48 Contiguous States Plus Opt-in States/Territories, in Year i, in Gallons

The projected gasoline consumption in the October 2007 STEO includes renewable fuel that is blended into gasoline. This volume of renewable fuel must be subtracted from the total volume of gasoline in order to calculate the total consumption of non-renewable gasoline. In Table 8 of the October 2007 STEO, EIA estimates that 0.755 quadrillion Btu of ethanol will be used as transportation fuel in all of the United States in 2008. Dividing this energy usage by the high heating value of ethanol (3.539 million Btu/barrel), and multiplying by 42 gallons/barrel produces a total ethanol usage of 8.96 billion gallons nationwide in 2008.

Since Hawaii has opted in, but Alaska has not opted in, to the RFS program for 2008, Alaska's renewable fuels consumption must be subtracted from the nationwide renewable fuels consumption to calculate renewable consumption in the 48 contiguous states plus Hawaii. In Chapter 2 of the Regulatory Impact Analysis for the RFS program rulemaking, EPA estimated that ethanol consumption in Alaska would be negligible prior to 2012. Thus, we project renewable fuels consumption in

¹ Letter to the Honorable Laura Lingle, Governor of Hawaii, from Stephen Johnson of EPA dated July 30, 2007.

² Energy Information Administration, *Petroleum Marketing Annual* 2006, Explanatory Notes, Relationship of Refiner and Prime Supplier Sales Volumes (p. 382).

the 48 contiguous states plus Hawaii to be 8.96 billion gallons in 2008.³

Calculation of GE_i, Amount of Gasoline Projected To Be Produced by Exempt Small Refineries and Small Refiners in Year i, in Gallons⁴

In the final rulemaking, we stated that we would estimate the combined small refinery and small refiner gasoline

volume using a constant percentage of national consumption. Using information from gasoline batch reports submitted to EPA, EIA data and input from the California Air Resources Board regarding California small refiners, we estimated this percentage to be 13.5%.⁵ Multiplying the projected nationwide consumption of gasoline in 2008 (144.80 billion gallons) by 13.5% results in a

total projected production of 19.55 billion gallons of gasoline from small refiners and small refineries in 2008.

Calculation of RFStd_i, Renewable Fuel Standard in Year i, in Percent

Substituting all of the terms calculated above into the equation for RFStd_i results in the following RFS for 2008,

$$\text{RFStd}_i = 100 \times \frac{5.4}{144.50 - 8.96 - 19.55} = 4.66\%$$

Therefore, the RFS for 2008 is 4.66%. This is the standard referenced in 40 CFR 80.1105(b) through (d) and which obligated parties apply to determine their renewable volume obligation under 40 CFR 80.1107.

Dated: November 20, 2007.

Stephen L. Johnson,

Administrator.

[FR Doc. E7-23095 Filed 11-26-07; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-8499-2]

Proposed Cercla Administrative Agreement for the Recovery of Past and Future Response Costs Incurred at the Vermiculite Intermountain Site in Salt Lake City, UT

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice and request for public comment.

SUMMARY: In accordance with the requirements of Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement under section 122(h)(1) of CERCLA, 42 U.S.C. 9622(h)(1), concerning the Vermiculite Intermountain Site located at and around 333 West 100 South in Salt Lake City, Utah. This settlement, embodied in a CERCLA Section 104, 106(a), 107 and 122(h) Administrative Settlement Agreement and Order On Consent for Removal Action ("Agreement"), is designed to resolve the liability of Settling Respondents for past and future costs at the Site through

covenants under sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, while requiring long-term institutional controls to protect remedies already in place at the Site. The proposed Agreement requires the Van Cott, Bagley, Cornwall & McCarthy 401(k) Profit Sharing Plan Supplemental Trust to pay a total of \$100,000, La Quinta Properties, Inc., to pay a total of \$441,000 and recognizes PacifiCorp's performance of approximately \$3.5 million in cleanup work at the Site. In addition, PacifiCorp and La Quinta Properties, Inc., will record EPA-approved Environmental Covenants to ensure the continued protection of remedial features at the Site.

Opportunity for Comment: For thirty (30) days following the date of publication of this notice, the Agency will consider all comments received, and may modify or withdraw its consent to the Agreement if comments received indicate that the Agreement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at EPA Region 8's Central Records Center, 1595 Wynkoop Street, 3rd Floor, in Denver, Colorado.

DATES: Comments must be submitted on or before December 27, 2007.

ADDRESSES: The proposed Agreement and additional background information relating to the settlement are available for public inspection at EPA Region 8's Central Records Center, 1595 Wynkoop Street, 3rd Floor, in Denver, Colorado. Comments and requests for a copy of the proposed Agreement should be addressed to Kelcey Land (8ENF-RC), Technical Enforcement Program, U.S. Environmental Protection Agency, 1595 Wynkoop Street, Denver, Colorado 80202-1129, and should reference the

Settlement for the Vermiculite Intermountain Site, in Salt Lake City, Utah.

FOR FURTHER INFORMATION CONTACT: Kelcey Land, Enforcement Specialist (8ENF-RC), Technical Enforcement Program, U.S. Environmental Protection Agency, 1595 Wynkoop Street, Denver, Colorado 80202-1129, (303) 312-6393.

SUPPLEMENTARY INFORMATION: Regarding the proposed administrative settlement under Sections 104, 106(a), 107 and 122(h)(1) of CERCLA, 42 U.S.C. 9604, 9606(a), 9607 and 9622(h)(1): In accordance with section 122(i) of CERCLA, 42 U.S.C. 9622(i), notice is hereby given that the terms of the Agreement have been agreed to by the Settling Respondents and EPA. By the terms of the proposed Agreement, the Van Cott, Bagley, Cornwall & McCarthy 401(k) Profit Sharing Plan Supplemental Trust will pay a total of \$100,000 and La Quinta Properties will pay \$441,000 to the Hazardous Substance Superfund. These payments, in addition to the cleanup already performed by PacifiCorp, amounts to more than half of the funds expended at the Site.

It is so agreed:

Dated: November 14, 2007.

Eddie A. Sierra,

Acting Assistant Regional Administrator, Office of Enforcement, Compliance, and Environmental Justice, Region 8.

[FR Doc. E7-23064 Filed 11-26-07; 8:45 am]

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FEDERAL ELECTION COMMISSION

[Notice 2007-24]

Filing Dates for the Louisiana Special Election in the 1st Congressional District

AGENCY: Federal Election Commission.

³ Table 2.2-21 "2012 Forecasted Ethanol Consumption by State," Regulatory Impact Analysis: Renewable Fuel Standard Program, April 2007.

⁴ Through 2010 only, unless the exemption is extended under 211(o)(9)(A)(ii) or (B) of the Act.

⁵ "Calculation of the Small Refiner/Small Refinery Fraction for the Renewable Fuel Program," memo to the docket from Christine Brunner, ASD, OIAQ, EPA, September 2006.