

toxicity test results to taxa-specific and community-based measures of effects relevant to the regulatory needs of OPP and OW, as well as the ability of predictive tools to augment in data limited situations. These methods include sensitivity distributions and assessment factors (AFs) both of which may be used to account for uncertainty, particularly in situations where toxicity data are limited. A portion of this work will address the derivation of an "Aquatic Life Screening Value" (ALSV) that is related to the fifth percentile in a sensitivity distribution. ALSVs may be used to screen concentrations of pesticides and effluents in ambient waters and may be used by States and Tribes in the development of water quality standards. Other portions of this work will address other percentiles in sensitivity distributions that can be used to evaluate concentrations of pesticides in ambient water in other ways.

EPA is requesting the SAP provide advice on several proposed tools and methods to characterize the toxicity and effects of chemical stressors on aquatic animals and plants.

1. Use of Predictive Toxicology Tools in Characterizing Effects of Chemical Stressors to Aquatic Animals;
2. Use of Assessment Factors (AF) in Characterizing Acute Effects of Chemical Stressors on Aquatic Animals;
3. Use of Species Sensitivity Distributions (SSD) in Characterizing Acute Effects of Chemical Stressors on Aquatic Animals;
4. Evaluation of Chronic Toxicity Data and the Estimation of Acute to Chronic Ratios (ACR) in Characterizing Chronic Effects of Stressors on Aquatic Animals;
5. Methods for Characterizing Effects of Chemical Stressors to Aquatic Plants; and
6. Approaches for Characterizing Effects of Chemicals with Limited Data.

#### *C. FIFRA SAP Documents and Meeting Minutes*

EPA's background paper, related supporting materials, charge/questions to FIFRA SAP, FIFRA SAP composition (*i.e.*, members and ad hoc members for this meeting), and the meeting agenda will be available in early January 2012. In addition, the Agency may provide additional background documents as the materials become available. You may obtain electronic copies of these documents, and certain other related documents that might be available electronically, at <http://www.regulations.gov> and the FIFRA SAP homepage at <http://www.epa.gov/scipoly/sap>.

FIFRA SAP will prepare meeting minutes summarizing its

recommendations to the Agency approximately 90 days after the meeting. The meeting minutes will be posted on the FIFRA SAP Web site or may be obtained from the OPP Regulatory Public Docket at <http://www.regulations.gov>.

#### **List of Subjects**

Environmental protection, Pesticides and pests.

Dated: November 3, 2011.

**Frank Sanders,**

*Director, Office of Science Coordination and Policy.*

[FR Doc. 2011-29602 Filed 11-15-11; 8:45 am]

**BILLING CODE 6560-50-P**

### **ENVIRONMENTAL PROTECTION AGENCY**

[FRL-9492-7]

#### **Proposed Settlement Agreement**

**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 to address a lawsuit filed by the American Forest & Paper Association, Inc. ("Petitioner") in the United States Court of Appeals for the District of Columbia: *American Forest and Paper Association, Inc. v. EPA*, No. 10-1284 (DC Cir.) for review of EPA's final rule entitled "Mandatory Reporting of Greenhouse Gases from Magnesium Production, Underground Coal Mines, Industrial Wastewater Treatment, and Industrial Waste Landfills", published at 75 FR 39,736 (July 12, 2010). Under the terms of the proposed settlement agreement, Petitioner would dismiss its claims if EPA signs a letter interpreting the rule in substantially similar format as proposed as it applies to Petitioner.

**DATES:** Written comments on the proposed settlement agreement must be received by *December 16, 2011*.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA-HQ-OGC-2011-0904, online at [www.regulations.gov](http://www.regulations.gov) (EPA's preferred method); by email to [oei.docket@epa.gov](mailto:oei.docket@epa.gov); by mail 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 3334, 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 Word 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:**

Ragan Tate, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; *telephone:* (202) 564-7382; *fax number:* (202) 564-5603; *email address:* [tate.ragan@epa.gov](mailto:tate.ragan@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

#### **I. Additional Information About the Proposed Settlement Agreement**

On September 22, 2009, EPA finalized the first comprehensive Reporting program for greenhouse gases ("GHGs") under the Clean Air Act ("CAA" or "the Act"). 75 FR 56,260 (October 30, 2009) ("2009 Final GHG Reporting Rule"). The 2009 Final GHG Reporting Rule requires reporting of greenhouse gas emissions from large sources and suppliers in the United States, and is intended to collect accurate and timely emissions data to inform future policy decisions. Under the rule, suppliers of fossil fuels or industrial greenhouse gases, manufacturers of vehicles and engines, and facilities that emit 25,000 metric tons or more per year of GHG emissions are required to submit annual reports to EPA. The rule became effective December 29, 2009. In proposing the 2009 Final GHG Reporting Rule, EPA proposed but did not finalize Subpart II "Industrial Wastewater Treatment" of the 2009 Rule. On June 28, 2010 EPA finalized an amendment to the 2009 Final GHG Reporting Rule, "Mandatory Reporting of Greenhouse Gases from Magnesium Production, Underground Coal Mines, Industrial Wastewater Treatment, and Industrial Waste Landfills", published at 75 FR 39,736 (July 12, 2010) ("Subpart II Rule").

The American Forest & Paper Association filed a petition for review in the DC Circuit challenging the Subpart II Rule (10-1284). The petition for review in the DC Circuit raises issues with the final requirements of the Subpart II Rule. Upon EPA's motion, on October 20, 2010, the court issued an order holding the case in abeyance pending the parties' settlement discussions.

Under the proposed settlement agreement being noticed today, the petition for review would be dismissed in its entirety if EPA signs a letter

interpreting the rule in substantially similar format as proposed as it applies to Petitioner. Pursuant to the proposed settlement agreement, EPA would be issuing its letter interpreting the rule as it applies to petitioner with respect to monitoring and measurements at three locations at the effluent treatment basin at International Paper Company's Prattville Mill in Prattville, Alabama.

For a period of thirty (30) days following the date of publication of this notice, the Agency will accept written comments relating to the proposed settlement agreement from persons who were not named as parties or intervenors 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 determines, based on any comment submitted, that consent to this settlement agreement should be withdrawn, the terms of the agreement will be affirmed.

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

### A. How can I get a copy of the settlement agreement?

The official public docket for this action (identified by Docket ID No. EPA-HQ-OGC-2011-0904) contains a copy of the proposed settlement 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 3334, 1301 Constitution Ave. NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OEI Docket is (202) 566-1752.

An electronic version of the public docket is available through <http://www.regulations.gov>. You may use the <http://www.regulations.gov> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number then select "search".

It is important to note that EPA's policy is that public comments, whether

submitted electronically or in paper, will be made available for public viewing online at <http://www.regulations.gov> without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in the electronic public docket. EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

### B. How and to whom do I submit comments?

You may submit comments as provided in the ADDRESSES section. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment and with any disk or CD-ROM you submit. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Use of the <http://www.regulations.gov> Web site to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an "anonymous access" system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment. In contrast to EPA's electronic public docket, EPA's electronic mail (email) system is not an "anonymous access"

system. If you send an email comment directly to the Docket without going through <http://www.regulations.gov>, your email address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

Dated: November 8, 2011.

**Kevin McLean,**

*Acting Associate General Counsel.*

[FR Doc. 2011-29648 Filed 11-15-11; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9492-6]

### Proposed Settlement Agreements, Clean Air Act Citizen Suit

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of Proposed Settlement Agreements; Request for Public Comment.

**SUMMARY:** In accordance with section 113(g) of the Clean Air Act, as amended ("CAA"), 42 U.S.C. 7413(g), notice is hereby given of two proposed settlement agreements to resolve two cases filed by the WildEarth Guardians ("Guardians") involving EPA actions under the CAA Title V operating permit program. On November 17, 2010, Guardians filed a petition with the Environmental Appeals Board ("EAB") challenging a Title V Renewal Permit issued by EPA Region 8 on October 18, 2010 to BP America Production Company ("BP") for its Florida River Compression Station Facility (*In re BP America Production Co., Florida River Compression Facility*, Appeal No. CAA 10-04). On April 25, 2011, Guardians also filed a petition in the United States Court of Appeals for the Tenth Circuit (*WildEarth Guardians v. EPA*, No. 11-9527) challenging the Administrator's February 2, 2011 order denying an administrative petition to object to a July 14, 2010 response of the Colorado Department of Public Health and Environment, Air Pollution Control Division regarding the issuance of a renewed title V permit for Anadarko Petroleum Corporation's Frederick Compressor Station. Under the proposed settlement agreements, EPA would agree to undertake a pilot program for the purpose of studying, improving, and streamlining source determinations in the oil and gas industry in new or renewal Title V permits for which Region 8 is the initial Part 71 permitting authority.