

(c) If neither paragraphs (a) or (b) of this section apply, by following the procedures in § 48.3.

**§ 48.3 What must the Secretary do before closing, consolidating, curtailing, or transferring a Bureau-funded school, without the tribal governing body's approval?**

Before closing, consolidating, or substantially curtailing a Bureau-funded school, without the approval of the tribal governing body, the Secretary and the Director of the Office of Indian Education Programs must take the following actions:

(a) Within 30 days of actively considering closure, consolidation, substantial curtailment, or transferring any school to an authority other than BIA, the Director must send a notice that meets the requirements of § 48.4;

(b) Within 90 days of sending the letter required by paragraph (a) of this section, the Director must mail and publish a second notice as required by § 48.5;

(c) The Director will provide to interested parties a monthly status report that includes updates on any items, new developments and changes in the timetables, or procedures;

(d) The Director must allow 90 days following the receipt of the notice under paragraph (b) of this section for submission of written comments from the tribe, tribal governing body, local school board, school administrator, or parents;

(e) Within 180 days receipt of the notice under paragraph (b) of this section, the Director must initiate a consultation process that meets the requirements of § 48.6; and

(f) The Secretary will prepare and distribute a report as required by section 1121(d)(5) of the No Child Left Behind Act that meets the requirements of § 48.7.

**§ 48.4 What requirements must the first notice meet?**

The notice required by § 48.3(a) must meet all requirements of this section.

(a) The Director must send the notice to the interested parties;

(b) The notice required by § 48.3(a) must include all of the following:

(1) The name and address of the school that is under active consideration of the proposed action;

(2) The nature of the action that is under active consideration;

(3) The reasons for the active consideration of the proposed action.

(4) An outline of future actions that OIEP will take; and

(5) The name and contact information for an OIEP liaison and a request for a designated tribal liaison.

**§ 48.5 What requirements must the second notice meet?**

The notice required by § 48.3(b) must meet all requirements of this section.

(a) The Director of OIEP must send the notice to:

(1) The tribe, tribal governing body, local school board, school administrator;

(2) Parents; and

(3) The appropriate committees of Congress.

(b) The notice must include the following:

(1) A statement of the history of the conditions that led to the proposed action, including a statement of known attempts to remedy that condition;

(2) Alternatives to the proposed action that have been considered, including what happens to students;

(3) A timetable for conducting the student impact study;

(4) A description of the process for commenting on the proposed action; and

(5) A timetable and procedures for consultation and regular communication.

**§ 48.6 How must consultation on school closure be conducted?**

The consultation process required by § 48.3(e) must include the following:

(a) At least one public meeting in the attendance area served by the school to gather information from the community about the proposed action, including alternatives to remedy the conditions that led to the proposed action;

(b) At least one public meeting at which the Director presents information to support the proposed action and any alternatives to remedy the conditions that led to the proposed action;

(c) Additional public meetings for discussions with identified alternative service provider;

(d) A meeting in a single location with the tribal governing bodies of all tribes served by the school; and

(e) Additional opportunity to submit written comments.

**§ 48.7 What must the Department's report contain?**

The report required by § 48.3(f) must meet all requirements of this section.

(a) The Department must submit the report to interested parties and the appropriate committees of Congress.

(b) The report must contain all of the following:

(1) A study of the impact of the proposed action on the student population;

(2) A description of the affected students with particular educational and social needs;

(3) Recommendations to ensure that alternative services are available to such students; and

(4) A description of the consultation conducted between the potential service provider, current provider, tribal representatives and the tribes or tribes involved, and the Director of OIEP.

**§ 48.8 What happens when the Secretary decides to close, consolidate, or substantially curtail a Bureau-funded school or dormitory?**

If the Secretary makes a formal decision to close, consolidate, or substantially curtail a Bureau-funded school or dormitory, the Secretary must notify interested parties at least 180 days before the end of the school year preceding the proposed closure date. Copies of the notice must be submitted to the appropriations committee and be published in the **Federal Register**.

**§ 48.9 What is the earliest date that the Secretary can implement the formal decision?**

The Secretary can close, transfer to another authority, consolidate, or substantially curtail a Bureau-funded school or dormitory, only after the end of the first full academic year after the report required by § 48.3(f) is made.

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 63**

[AL-112L-2004-1-FRL-7786-1]

**Approval of Section 112(l) Authority for Hazardous Air Pollutants; Equivalency by Permit Provisions; National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Pulp Mills; State of Alabama**

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

**ACTION:** Proposed rule.

**SUMMARY:** Pursuant to section 112(l) of the Clean Air Act (CAA), the Alabama Department of Environmental Management (ADEM) requested approval to implement and enforce State permit terms and conditions that substitute for the National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry. In the rules section of this **Federal Register**, EPA is granting ADEM the authority to implement and enforce alternative requirements in the form of title V permit terms and conditions after EPA

has approved the state's alternative requirements. A detailed rationale for this approval is set forth in the direct final rule. If no significant, or adverse comments are received, no further activity is contemplated. If EPA receives significant, or adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

**DATES:** Written comments must be received on or before August 2, 2004.

**ADDRESSES:** Comments may be submitted by mail to: Lee Page, Air Toxics Assessment and Implementation

Section, Air Toxics and Monitoring Branch, Air, Pesticides and Toxics Management Division; U.S. Environmental Protection Agency Region 4; 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. Duplicate copies of all comments must also be submitted to Ronald W. Gore, Chief, Air Division, Alabama Department of Environmental Management, P.O. Box 301463, Montgomery, Alabama 36130-1463. Comments may also be submitted electronically, or through hand delivery/courier. Please follow the detailed instructions described in the direct final rule, **SUPPLEMENTARY INFORMATION** section (part I)(B)(1)(i) through (iii)) which is published in the rules section of this **Federal Register**. **FOR FURTHER INFORMATION CONTACT:** Lee Page, Air Toxics Assessment and

Implementation Section, Air Toxics and Monitoring Branch, Air, Pesticides and Toxics Management Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. The telephone number is (404) 562-9141. Mr. Page can also be reached via electronic mail at [page.lee@epa.gov](mailto:page.lee@epa.gov).

**SUPPLEMENTARY INFORMATION:** For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: June 29, 2004.

**J.I. Palmer, Jr.,**

*Regional Administrator, Region 4.*

[FR Doc. 04-15722 Filed 7-9-04; 8:45 am]

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