

Act. The DEIS evaluated the two CETAP corridors in isolation of one another and of other major pending highway projects, did not adequately analyze a No Build alternative, and lacked adequate assessment of indirect and cumulative impacts on aquatic and biological resources as well as water and air quality. EPA recommends that these concerns be addressed in a revised DEIS.

*ERP No. D-FHW-K40254-CA Rating 3, Riverside County Integrated Project, Hemet to Corona/Lake Elsinore Corridor a New Multi-Modal Transportation Facility, Route Location and Right-of-Way Preservation, Riverside County, CA.*

*Summary:* EPA found that the DEIS was inadequate to satisfy the requirements of NEPA and lead to the selection of a preferred alignment containing the least environmentally damaging practicable alternative to satisfy section 404 of the Clean Water Act. The DEIS evaluated the two CETAP corridors in isolation of one another and of other major pending highway projects, did not adequately analyze a No Build alternative, and lacked adequate assessment of indirect and cumulative impacts on aquatic and biological resources as well as water and air quality. EPA recommends that these concerns be addressed in a revised DEIS.

#### Final EISs

*ERP No. F-BLM-K67054-NV, Phoenix Project, Current Mining Operations and Processing Activities Expansion, Battle Mountain, Plan of Operations Approval, Lander County, NV.*

*Summary:* The final EIS does not address EPA's concern that the long-term post-closure mitigation will not be adequately funded. The environmental acceptability of the project depends on adequate funding of the mitigation plan to prevent degradation of water quality and impacts to biological resources. The final EIS continues to be inadequate since it does not include an itemized cost estimate for the mitigation or assurance that funds will be available in perpetuity to perform the project startup.

*ERP No. F-COE-C30011-NJ, New Jersey Shore Protection Study to Determine a Feasible Hurricane and Storm Damage Reduction Plan from Manasquan Inlet to Barnegat Inlet, Boroughs of Point Pleasant Beach, Bay Head, Mantoloking, Lavallette, Seaside Heights and Seaside Park, and Townships of Buck, Dover and Berkeley, NJ.*

*Summary:* EPA continues to have environmental concerns and requests an

opportunity to review a complete cumulative impacts and analysis and General Conformity Determination prior to the signing of the Record of Decision for the project.

*ERP No. F-FHW-J40149-CO, Colorado Forest Highway 80, Guanella Pass Road (also known as Park County Road 62/Clear Creek County Road 381/Forest Development Road 118) from U.S. 285 in Grant to Georgetown, Improvements, Funding and U.S. Army COE Section 404, NPDES and Special Use Permits Issuance, Park and Clear Creek Counties, CO.*

*Summary:* EPA expressed environmental concerns about wetland impacts and mitigation implementation.

*ERP No. F-FHW-K40244-CA, CA-120 Oakdale Expressway Project, Construction and Operation, Post Mile 3.0 to Post Mile R12.9 near Oakdale, Funding, U.S. Army COE Section 404 and NPDES Permits Issuance, Stanislaus County, CA.*

*Summary:* EPA expressed environmental concerns and recommended that FHWA request and obtain EPA's written concurrence on the least environmentally damaging practicable alternative and conceptual mitigation plan prior to the signing of the record of decision (ROD) in accordance with the NEPA/404 Memorandum of Understanding. EPA believes that the FEIS lacks sufficient information on indirect and cumulative impacts and a qualitative PM-10 analysis. In addition, the conceptual mitigation plan presented in the FEIS does not clearly show how it will adequately offset the project's wetland impacts.

*ERP No. FS-AFS-E65036-00, Vegetation Management in the Coastal Plain/Piedmont, Proposal to Clarify Direction for Conducting Project-Level Inventories for Biological Evaluations (BEs), U.S. Forest Service Southern Region, AL, GA, FL, SC, NC, LA, MS and TX.*

*Summary:* No formal comment letter was sent to the preparing agency.

*ERP No. FS-AFS-E65037-00, Vegetation Management in the Appalachian Mountains, Proposal to Clarify Direction for Conducting Project-Level Inventories for Biological Evaluations (BEs), AL, GA, KY, NC, SC, TN, VA and WV.*

*Summary:* No formal comment letter was sent to the preparing agency.

Dated: December 10, 2002.

**Joseph C. Montgomery,**

*Director, NEPA Compliance Division, Office of Federal Activities.*

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**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7421-6]

### Office of Research and Development, Board of Scientific Counselors, Executive Committee Meeting

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

**ACTION:** Notice of meeting.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act, Public Law 92-463, as amended (5 U.S.C., App.2) notification is hereby given that the Environmental Protection Agency, Office of Research and Development (ORD), Board of Scientific Counselors (BOSC), will hold an Executive Committee meeting.

**DATES:** The meeting will be held on January 9-10, 2003. On Thursday, January 9th, the meeting will begin at 1 p.m., and will recess at 5:30 p.m. On Friday, January 10th, the meeting will reconvene at 9 a.m. and will adjourn at approximately 4 p.m. All times noted are eastern time.

**ADDRESSES:** The meeting will be held at the Lowe's L'Enfant Plaza Hotel, 480 L'Enfant Plaza, SW., Washington, DC 20024.

**SUPPLEMENTARY INFORMATION:** Agenda items to include, but not be limited to: Consultation on ORD's Homeland Security Research Strategy, Briefing on EPA's Report on the Environment, Discussion of BOSC Future Issues and Plans, and BOSC Communications Ad-Hoc Committee Report Update.

Anyone desiring a draft BOSC agenda may fax their request to Shirley R. Hamilton (202) 565-2444. The meeting is open to the public. Any member of the public wishing to make a presentation at the meeting should contact Shirley Hamilton, Designated Federal Officer, Office of Research and Development (8701R), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; or by telephone at (202) 564-6853. In general, each individual making an oral presentation will be limited to a total of three minutes.

**FOR FURTHER INFORMATION CONTACT:** Shirley R. Hamilton, Designated Federal Officer, U.S. Environmental Protection Agency, Office of Research and Development, National Center for Environmental Research (MC 8701R), 1200 Pennsylvania Avenue, NW., Washington, DC 20460, (202) 564-6853.

Dated: December 5, 2002.

**Peter W. Preuss,**

*Director, National Center for Environmental Research.*

[FR Doc. 02-31466 Filed 12-12-02; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7422-2]

### New Hanover County Burn Pit Superfund Site; Notice of Proposed Settlement

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of proposed settlement.

**SUMMARY:** The United States Environmental Protection Agency is proposing to enter into an Administrative Order on Consent pursuant to section 122(h)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended regarding the New Hanover County Burn Pit Superfund Site located in Wilmington, New Hanover County, North Carolina. This agreement is made and entered into by EPA and by Axel Johnson, Inc., Sprague Energy Corporation, and Unocal Corporation ("Settling Parties"). EPA will consider public comments on the proposed settlement for 30 days. EPA may withdraw from or modify the proposed settlement should such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate.

Copies of the proposed settlement are available from: Ms. Paula V. Batchelor, U.S. EPA, Region 4, Sam Nunn Atlanta Federal Center, Waste Management Division, 61 Forsyth Street, SW., Atlanta, Georgia 30303. (404) 562-8887.

Written comments may be submitted to Ms. Batchelor within 30 calendar days of the date of this publication.

Dated: November 26, 2002.

**Anita L. Davis,**

*Acting Chief, CERCLA Program Services Branch, Waste Management Division.*

[FR Doc. 02-31464 Filed 12-12-02; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7421-7; CWA-HQ-2002-6001; EPCRA-HQ-2002-6001; CAA-HQ-2002-6001; RCRA-HQ-2002-6001]

### Clean Water Act Class II: Proposed Administrative Settlement, Penalty Assessment and Opportunity To Comment Regarding NEXTEL Communications, Inc., et al. and NII Holdings, Inc.

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

**ACTION:** Notice.

**SUMMARY:** On October 30, 2002, EPA published in the **Federal Register** information concerning a proposed settlement with NEXTEL Communications Inc., et al. and NII Holdings, Inc. The purpose of this correction is to provide additional information about this settlement. EPA has entered into a consent agreement with NEXTEL Communications, Inc., and its subsidiaries, and NII Holdings, Inc., collectively referred to as "NEXTEL", to resolve violations of the Clean Water Act ("CWA"), the Clean Air Act ("CAA"), the Resource Conservation and Recovery Act ("RCRA"), and the Emergency Planning and Community Right-to-Know Act ("EPCRA") and their implementing regulations.

The Administrator is hereby providing public notice of this consent agreement and final order and providing an opportunity for interested parties to comment on the CWA portions, as required by CWA section 311(b)(6)(C), 33 U.S.C. 1321(b)(6)(C).

NEXTEL failed to prepare Spill Prevention Control and Countermeasure ("SPCC") plans for forty-eight facilities where they stored diesel oil in above ground tanks. EPA, as authorized by CWA section 311(b)(6), 33 U.S.C. 1321(b)(6), has assessed a civil penalty for these violations. NEXTEL failed to obtain the appropriate operating permits or exemptions at eight facilities in violation of CAA section 110, 42 U.S.C. 7410, and various state implementation plan ("SIP") requirements for emergency generators. EPA, as authorized by CAA section 113(d)(1), 42 U.S.C. 7413(d)(1), has assessed a civil penalty for these violations. NEXTEL failed to file an emergency planning notification with the State Emergency Response Commission ("SERC") and to provide the name of an emergency contact to the Local Emergency Planning Committee ("LEPC"). NEXTEL failed to submit Material Safety Data Sheets ("MSDS") or a list of chemicals to the LEPC, the SERC, and the fire

department with jurisdiction over each facility for seventy-five facilities in violation of EPCRA section 311, 42 U.S.C. 11021. At sixty-six facilities, NEXTEL failed to submit an Emergency and Hazardous Chemical Inventory form to the LEPC, the SERC, and the fire department with jurisdiction over each facility in violation of EPCRA section 312, 42 U.S.C. 11022. EPA, as authorized by EPCRA section 325, 42 U.S.C. 11045, has assessed a civil penalty for these violations. NEXTEL failed to make a hazardous waste determination and improperly disposed of hazardous waste at one facility in violation of 9 VAC 20-60-261(A), (40 CFR 261.5(g)(1) and (g)(3)). NEXTEL violated RCRA section 9003(d), 42 U.S.C. 6991b(d) and 30 TAC sections 334 and 37.801, when the insurance policy for underground storage tanks failed to use the terms "corrective action" or "sudden, non-sudden or accidental release" to describe coverage for four facilities. At one facility NEXTEL failed to notify the State or local agency or department of the existence of an underground storage tank in violation of RCRA section 9002(a), 42 U.S.C. 6991(a)(1). NEXTEL failed to follow all of the relevant underground storage tank regulations in violation of RCRA section 9003, 42 U.S.C. 6991b at one facility.

**DATES:** Comments are due on or before January 13, 2003.

**ADDRESSES:** Send written comments to the Docket Office, Enforcement and Compliance Docket and Information Center (2201T), Docket Number EC-2002-021, U.S. Environmental Protection Agency, EPA West, 1200 Pennsylvania Avenue NW., Room B133, Washington, DC 20460 (in triplicate if possible.)

Please use a font size no smaller than 12. Comments may also be sent electronically to [docket.oeca@epa.gov](mailto:docket.oeca@epa.gov) or faxed to (202) 566-1511. Attach electronic comments as a text file and try to avoid the use of special characters and any forms of encryption. Please be sure to include the Docket Number EC-2002-021 on your document.

In person, deliver comments to U.S. Environmental Protection Agency, EPA West, 1301 Constitution Avenue, NW., Room B133, Washington, DC 20460. Parties interested in reviewing docket information may do so by calling (202) 566-1512 or (202) 566-1513. A reasonable fee may be charged by EPA for copying docket materials.

**FOR FURTHER INFORMATION CONTACT:** Beth Cavalier, Multimedia Enforcement Division (2248-A), U.S. Environmental Protection Agency, 1200 Pennsylvania