

coastal guidance to include inland as well as coastal context and to provide updated technical information based on current understanding and implementation of best management practices (BMP) controls. It does not set new or additional standards for either CZARA section 6217 or Clean Water Act section 319 programs.

EPA will consider comments on this draft guidance and will then issue final guidance.

DATES: Written comments should be addressed to the person listed directly below by September 25, 2001.

ADDRESSES: Comments should be sent to Chris Solloway, Assessment and Watershed Protection Division (4503-F), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Non-US Postal Service comments should be sent to Chris Solloway, Assessment and Watershed Protection Division, U.S. Environmental Protection Agency, Room 200, 499 S. Capitol Street, SW., Washington, DC 20003. Faxes should be sent to (202) 260-7024.

The complete text of the draft guidance is available on EPA's Internet site on the Nonpoint Source Control Branch's homepage at <<http://www.epa.gov/owow/nps>>. Copies of the complete draft can also be obtained by request from Chris Solloway at the above address, by E-mail at <Solloway.Chris@epa.gov>, or by calling (202) 260-3008.

FOR FURTHER INFORMATION: Contact Chris Solloway at (202) 260-3008.

SUPPLEMENTARY INFORMATION:

I. Background

In 1993, under the authority of section 6217(g) of the Coastal Zone Act Reauthorization Amendments, EPA issued Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters. That guidance document details management measures appropriate for the control of five categories of nonpoint sources of pollution in the coastal zone: Agriculture, forestry, urban areas, marinas and recreational boating, and hydromodification. The document also includes management measures for wetlands, riparian areas, and vegetated treatment systems because they are important to the abatement of nonpoint source pollution in coastal waters. States and territories were required to adopt measures "in conformity" with the coastal management measures guidance for their Coastal Nonpoint Pollution Control Programs.

State, territory, and tribal water quality assessments continue to identify

nonpoint source pollution as a major cause of degradation in surveyed waters nationwide. In 1987 Congress enacted section 319 of the Clean Water Act to establish a national program to control nonpoint sources of water pollution. Under section 319, States, territories, and tribes address nonpoint source pollution by assessing the nonpoint source pollution problems within the State, territory, or tribal lands; identifying the sources of pollution; and implementing management programs to control the pollution. Section 319 also authorizes EPA to award grants to States, territories, and tribes to assist them in implementing management programs that EPA has approved. Program implementation includes nonregulatory and regulatory programs, technical assistance, financial assistance, education, training, technology transfer, and demonstration projects. In fiscal year 2000, Congress appropriated and EPA awarded \$200 million for nonpoint source management program grants. EPA has awarded a total of \$1 billion to States, territories, and Indian tribes since 1990.

The 1993 management measures guidance focused on conditions and examples of management measure implementation from the coastal zone. To date, technical guidance on the best available, economically achievable measures for controlling nonpoint sources with a national focus has not been released. The draft national management measures guidance for forestry is intended to partially address this gap. Although the practices detailed in the 1993 coastal guidance apply generally to inland areas, EPA has recognized the utility of developing and publishing technical guidance that explicitly addresses nonpoint source pollution on a nationwide basis. Moreover, additional information and examples from research and experience to date with implementation of the management measures are available to enrich the national guidance. These changes have helped to prompt the revision and expansion of the forestry chapter of the 1993 guidance.

II. Scope of the Draft Forestry Guidance—Sources of Nonpoint Source Pollution Addressed

The draft technical guidance continues to focus on the major sources of pollution from forestry identified for the 1993 coastal guidance by EPA in consultation with a number of other Federal agencies and other leading national experts, including several experts from the U.S. Forest Service. Specifically, the guidance identifies management measures for the following:

- i. Preharvest planning;
- ii. Streamside management areas;
- iii. Road construction and reconstruction;
- iv. Road management;
- v. Timber harvesting;
- vi. Site preparation and forest regeneration;
- vii. Fire management;
- viii. Revegetation of disturbed areas;
- ix. Forest chemical management; and
- x. Wetlands forest management.

III. Approach Used To Develop Guidance

The draft national management measures guidance is based in large part on the 1993 coastal guidance. The coastal guidance was developed using a workgroup approach to draw upon technical expertise within other Federal agencies as well as State water quality and coastal zone management agencies.

The 1993 text has been expanded to include information on the application and effectiveness of forestry BMPs from recent research, the cost of installing BMPs, watershed-scale and ecological impacts of forestry activities, technological advances that affect BMP use and installation, State BMP monitoring programs, logger education and certification programs, and BMP installation and use considerations for nonindustrial private forest landowners.

IV. Request for Comments

EPA is soliciting comments on the draft guidance on management measures to control nonpoint source pollution from forestry. The Agency is soliciting additional information and supporting data on the measures specified in this guidance and on additional measures that may be as effective or more effective in controlling nonpoint source pollution from forestry. EPA requests that commenters focus their comments on the technical soundness of the draft management measures guidance.

Diane C. Regas,

Acting Assistant Administrator for Water.

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ENVIRONMENTAL PROTECTION AGENCY

[AD-FRL-7004-6]

New Source Review (NSR) 90-day Review and Report to the President

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability and opportunity to comment.

SUMMARY: This notice announces the availability of, and opportunity to comment on, a background paper that will be used in the development of EPA's Report to the President on the impact of the Environmental Protection Agency's New Source Review (NSR) program on investment in new utility and refinery generation capacity, energy efficiency, and environmental protection. The National Energy Policy Development Group, under the direction of Vice President Richard Cheney, has directed EPA, in consultation with the Secretary of Energy and other relevant agencies, to review NSR regulations, including administrative interpretation and implementation, and prepare this Report to the President within 90 days. The Report to the President is scheduled to be released in August. The background paper summarizes the data that EPA has found thus far addressing the topics that are covered by the NEPD Group's recommendation. The background paper is not a draft of the Report to the President, but is intended to facilitate public comment on issues that may be addressed in that report.

The EPA is now accepting comments on this background paper and other information relevant to the NSR Review and Report to the President. Because the Report to the President is scheduled to be completed in August, commenters are encouraged to submit information as early as possible.

DATES: Comments will be accepted until July 27, 2001.

ADDRESSES: Docket No. A-2001-19 contains the background paper and additional supporting information that EPA relied upon in developing the background paper. Material in the docket is available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday, at the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, telephone (202) 260-7548, fax (202) 260-4000. The docket is available at the above address in Room M-1500, Waterside Mall (ground floor, central mall). A reasonable fee may be charged for copying. The background paper is also available on the Internet at the following address: <http://www.epa.gov/air/NSR-review>.

Comments and additional information may be provided in writing to the address provided above for the Air and Radiation Docket and Information Center, or may be faxed to the Docket at (202) 260-4000. Information may also be submitted by electronic mail (e-mail) to: a-and-r-docket@epa.gov. Electronic

comments must be submitted as an ASCII file to avoid the use of special characters and encryption problems or on disks in WordPerfect version 5.1, 6.1 or Corel 9 file format. All comments and data submitted in any form must note the docket number: A-2001-19.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Ling, Information Transfer and Program Integration Division (MD-12), U.S. EPA, Research Triangle Park, North Carolina 27711, (919) 541-4729, e-mail: ling.michael@epa.gov.

SUPPLEMENTARY INFORMATION: In its May 2001 report, the energy task force headed by Vice President Cheney recommended that "the Administrator of the EPA, in consultation with the Secretary of Energy and other relevant agencies, review the New Source Review regulations, including administrative interpretation and implementation, and report to the President within 90 days on the impact of the regulations on investment in new utility and refinery generation capacity, energy efficiency, and environmental protection."

New Source Review is a program that was first incorporated into the Clean Air Act in 1977. It requires that a source of air pollution install the best pollution control equipment when it is built or when it makes a major modification that increases emissions. NSR has been an important part of EPA's efforts to protect air quality. At the same time, it is widely recognized that the NSR program is overly complex and burdensome both for affected companies and for the state and local agencies that are responsible for implementing it. For several years, EPA has been exploring options designed to simplify the program, reduce the length of the review process, and remove any barriers it may pose to innovation and improved energy efficiency.

Consistent with the Report, EPA has undertaken a 90-day review of NSR to determine if changes should be made to help the program work more efficiently while still maintaining environmental safeguards. In particular, the Agency will study the impact of NSR regulations on investment in new utility and refinery capacity, energy efficiency, and pollution emissions.

The final report, which is scheduled to be submitted to the President on August 17, will summarize NSR data related to the electricity generating and petroleum refining industries, and examine whether NSR, including enforcement cases filed against those industries, have had a negative impact on investments in new capacity. The report will also include

recommendations on how to improve NSR and minimize any adverse impacts on the energy industry.

EPA is conducting this review in close cooperation and consultation with the Department of Energy, the Department of the Interior, the Office of Management and Budget, the White House Council on Environmental Quality, and the National Economic Council.

In addition to today's notice of availability and opportunity to submit comments on the background paper, the Agency is taking additional steps to seek input from the public and from affected stakeholders. We will hold several public meetings across the U.S. to collect information and public views on NSR. Information about these meetings will be published separately in the **Federal Register**, and will be available on the Internet at <http://www.epa.gov/air/NSR-review>. We will also hold separate meetings with outside stakeholders, including affected industries, environmental groups, and state and local governments.

Dated: June 22, 2001.

Linda Fisher,

Deputy Administrator.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7002-6]

Motorola 52nd Street Superfund Site Phoenix, AZ; Proposed Notice of Administrative Settlement

AGENCY: Environmental Protection Agency

ACTION: Notice; Request for public comment

SUMMARY: In accordance with the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (CERCLA), 42 U.S.C sections 9600 *et seq.*, notice is hereby given that a proposed Agreement and Covenant Not to Sue (Prospective Purchaser Agreement) associated with the Motorola 52nd Street Superfund Site (the Site) was executed by the United States Environmental Protection Agency (EPA) on June 13, 2001. The Prospective Purchaser Agreement would resolve certain potential claims of the United States under sections 106 and 107(a) of CERCLA, 42 U.S.C sections 9606 and 9607(a), and section 7003 of the Resource Conservation and Recovery