

Marketer) the following Transition Power Agreements (TPAs) as each is modified by Amendment No. 1, as service agreements under the Mirant Marketer's market-based rate tariff: Transition Power Agreement (District of Columbia) between Pepco and the Mirant Marketer dated December 19, 2000, as modified by Amendment No. 1; and Transition Power Agreement (Maryland) between Pepco and the Mirant Marketer dated December 19, 2000, as modified by Amendment No. 1.

Comment date: August 9, 2001, in accordance with Standard Paragraph E at the end of this notice.

17. SCANA Energy Marketing, Inc. and South Carolina Electric & Gas Company

[Docket No. ER01-2635-000]

Take notice that on July 19, 2001, Scana Energy Marketing, Inc. (SEMI) and South Carolina Electric & Gas Company (SCE&G), affiliates, filed a notice of termination of SEMI's market-based rate tariff (Tariff) and the associated code of conduct, both of which were made effective in these dockets by earlier Commission orders. SEMI states that it has not made any wholesale purchases or sales for its own account under the Tariff since the fourth quarter of 1998, that it has no current sales obligations, and that it does not plan to resume wholesale marketing in the future. Therefore, SEMI states that it has no need to maintain the effectiveness of the Tariff or the associated code of conduct.

Comment date: August 9, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at <http://www.ferc.gov> using the "RIMS" link, select "Docket#" and follow the instructions (call 202-208-2222 for assistance). Comments, protests and

interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the "e-Filing" link.

David P. Boergers,

Secretary.

[FR Doc. 01-18853 Filed 7-27-01; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7020-6]

Notice of Prevention of Significant Deterioration (PSD) Final Determination for Zion Energy LLC, City of Zion, Lake County, IL

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final action.

SUMMARY: This document announces that on March 27, 2001, the Environmental Appeals Board (EAB) of the United States EPA dismissed a petition for review of a permit issued for Zion Energy by the Illinois Environmental Protection Agency (Illinois EPA) pursuant to EPA's Prevention of Significant Deterioration of Air Quality (PSD) regulations.

DATES: The effective date for the EAB's decision is March 27, 2001. Judicial review of this permit decision, to the extent it is available pursuant to section 307(b)(1) of the Clean Air Act, may be sought by filing a petition for review in the United States Court of Appeals for the Seventh Circuit within 60 days of July 30, 2001.

ADDRESSES: The documents relevant to the above action are available for public inspection during normal business hours at the following address: Environmental Protection Agency, Region 5, 77 West Jackson Boulevard (AR-18J), Chicago, Illinois 60604. To arrange viewing of these documents, call Jorge Acevedo at (312) 886-2263.

FOR FURTHER INFORMATION CONTACT:

Jorge Acevedo, United States Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard (AR-18J), Chicago, Illinois 60604. Anyone who wishes to review the EAB decision can obtain it at <http://www.epa.gov/eab/disk11/zion.pdf>.

SUPPLEMENTARY INFORMATION: This supplemental information is organized as follows:

- A. What Action is EPA Taking?
- B. What is the Background Information?
- C. What did the EAB Determine?

A. What Action Is EPA Taking?

We are notifying the public of a final decision by EPA's EAB on a permit issued by Illinois EPA pursuant to the PSD regulations found at 40 CFR 52.21.

B. What Is the Background Information?

On December 8, 2000, Illinois EPA issued PSD permit 99110042 to Zion Energy LLC (Zion) for the construction of a new electric power generating facility with a capacity of 800 megawatts. The proposed facility consists of five simple-cycle combustion turbines that operate on natural gas as a primary fuel and distillate oil as a back-up fuel. The project also consists of five auxiliary boilers, two fuel heaters, and a fuel storage tank. The facility is subject to PSD for nitrogen oxides (NO_x), Carbon Monoxide (CO), Sulfur Dioxide (SO₂), and Particulate Matter (PM/PM₁₀).

On January 5, 2001, Susan Zingle, on her own behalf and as executive director of the Lake County Conservation Alliance (LCCA), and the LCCA petitioned the EAB to review this permit. The petitioner alleged: (i) The facility is a major source of hazardous air pollutants (HAPs) and is subject to Maximum Available Control Technology (MACT) requirements, specifically the potential to emit HAPs is higher than reflected in the permit and the permit does not effectively cap HAP emissions, (ii) the permit should contain a provision requiring compliance with State noise regulations, (iii) Illinois' "NO_x waiver" should be lifted and the facility treated as major for NO_x, (iv) the permit incorrectly identified the proposed simple-cycle combustion turbines as "peaking units," (v) Illinois EPA's best available control technology (BACT) analysis was erroneous for several reasons including, Illinois EPA failed to consider certain control technologies such as combined cycle operation with catalytic controls, catalytic controls were rejected, and Illinois EPA should have considered alternative locations for the facility due to consideration of water availability, the analysis should have included an evaluation of need, energy conservation, demand side management and other alternatives to construction of the facility, Illinois EPA should have considered the use of alternative turbine configurations, the use of low NO_x burners for the fuel heaters and auxiliary boilers does not constitute BACT, the permit's provision for the operation of auxiliary boilers does not constitute BACT, good combustion practices were not sufficiently defined

and are not BACT for CO and PM, Illinois failed to require the development of operation and maintenance procedures as part of the BACT analysis, and the use of diesel fuel does not constitute BACT, (vi) the permit failed to properly account for emissions during startup and shutdown of the facility, and failed to limit the number of startups, (vii) emissions limits were based on unsubstantiated assumptions regarding facility operation, (viii) the permit should specify what constitutes good air pollution control practices, (ix) the permit fails to require compliance with requirements for a major source of volatile organic compounds (VOCs) in a non-attainment area for ozone, (x) the permit's monitoring requirements were inadequate for reasons such as the 180 day period of operation prior to shakedown and emission testing should be shortened, testing for particulate matter should use method 202, testing for VOCs should use method 18 rather than 25a, (xi) emissions from facilities under common control should have been included in calculating the potential to emit, and (xii) a complete copy of the draft permit was not made available at the Waukegan Public Library or on the internet.

On January 29, 2001, Illinois EPA filed a Motion for Summary Disposition with the EAB. Illinois EPA asserted that LCCA failed to satisfy the requirements for review under 40 CFR 124.19, and the petition should be dismissed. Zion also filed a response and also asserted that LCCA failed to satisfy the requirements for review under 40 CFR 124.19. On March 2, 2001 LCCA filed a motion seeking leave to respond to Illinois EPA's Motion and to supplement the petition with comments to Illinois EPA's responsiveness summary.

C. What Did the EAB Determine?

On March 27, 2001, the EAB denied the petition for review based on the grounds that the petitioner failed to satisfy the requirements for obtaining review under 40 CFR 124.19. Specifically, the petitioner reiterated comments previously submitted to Illinois EPA during the comment period without indicating why Illinois EPA's responses to these comments were erroneous. The EAB also denied the supplement to the petition based on the fact that accepting the supplement would expand the petitioner's appeal rights under the regulations in 40 CFR 124.19.

Dated: July 13, 2001.

Gary Gulezian,

Acting Regional Administrator, Region 5.

[FR Doc. 01-18883 Filed 7-27-01; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7019-5]

B & H Transformer 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 three administrative settlements with responsible parties for response costs pursuant to section 122 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9622(h)(1) concerning the B & H Transformer Superfund Site (Site) located in Yorkville, Gibson County, Tennessee. EPA will consider public comments on the proposed settlement for thirty (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 (WMD-CPSB), 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: July 9, 2001.

Franklin E. Hill,

Chief, CERCLA Program Services Branch, Waste Management Division.

[FR Doc. 01-18888 Filed 7-27-01; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-7019-6]

Proposed Administrative Cost Recovery Agreement Under CERCLA Section 122(h) for Recovery of Past Costs at the Bel-Fab Manufacturing Corp. Superfund Site, Town of Halfmoon, Saratoga County, NY

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement entered into pursuant to section 122(h) of CERCLA, 42 U.S.C. 9622(h), for recovery of past response costs concerning the Bel-Fab Manufacturing Corp. Superfund Site ("Site") located in the Town of Halfmoon, Saratoga County, New York. This settlement with the U.S. Environmental Protection Agency ("EPA" or the "Agency") has been entered into with the following parties: Bray Terminals, Inc., International CMP Industries, Ltd., Crane & Company, Inc., Daniel Green Co., Farrell Oil Co., Inc., E+E (US) Inc., Kramer Chemicals Division, General Electric Company, Hasbro, Inc., Heritage Energy Co., Mirabito Fuel Group, Monsey Products Co., Saint-Gobain Performance Plastics (formerly Norton Performance Plastics Corporation), Tumble Forms, Inc., the U.S. Department of the Army (Watervliet Arsenal), and W.R. Grace & Co. (the "Settling Parties"). The settlement requires the Settling Parties to pay \$108,190.67 plus interest as provided in the Agreement. The settlement includes a covenant not to sue for the private settling parties, and a covenant not to take administrative action as to the Department of the Army, pursuant to section 107(a) of CERCLA, 42 U.S.C. 9607(a), for recovery of past response costs as defined by the Agreement. For thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations that indicate that the proposed settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at the EPA, Region II, 290 Broadway, New York, New York 10007-1866.

DATES: Comments must be submitted on or before August 29, 2001.

ADDRESSES: The proposed settlement is available for public inspection at the United States Environmental Protection Agency, 290 Broadway, New York, New York 10007-1866. A copy of the proposed settlement may be obtained from Liliana Villatora, Assistant Regional Counsel, New York/Caribbean