

inspection and reproduction at the Hydro Development Group, Inc., 200 Bulfinch Drive, Andover, MA 01810, (978) 681-1900 ext. 1214.

m. *Status of the Application and Environmental Analysis:* This application has been accepted for filing, but it is not ready for environmental analysis.

n. *Site visit:* On October 11, the participants will meet at 9:00 a.m. at the Hailesboro #4 powerhouse. Those interested in participating should contact Mr. Kevin Webb at (978) 681-1900 ext. 1214 in advance. Participants should provide their own transportation for the site visit. Further, for the October 11 site visit, participants should bring their own lunches, water, and boots.

o. *Scoping:* Scoping Document 1 has been mailed. It provides information on the Hailesboro #4 and Fowler #7 Projects, the environmental analysis process we will follow to prepare the EA, and our preliminary identification of issues that we will address in the EA. Comments and suggestions on the issues we have identified are encouraged and should be filed by the deadline identified in paragraph (j) above.

**David P. Boergers,**  
Secretary.

[FR Doc. 01-22899 Filed 9-11-01; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Site Visit; Notice of Scoping Period

September 6, 2001.

Take notice that on October 11, 2001, the Commission staff will visit the Fowler #7 Hydroelectric Project No. 6059, to view the project area.

a. *Type of Application:* New Minor License.

b. *Project No.:* P-6059-006.

c. *Date Filed:* January 2, 2001.

d. *Applicant:* Hydro Development Group, Inc.

e. *Name of Project:* Fowler #7.

f. *Location:* On the Oswegatchie River in St. Lawrence County, near the town of Gouverneur, New York.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Kevin M. Webb, Hydro Development Group, Inc., 200 Bulfinch Drive, Andover, MA 01810, (978) 681-1900 ext. 1214.

i. *FERC Contact:* Charles T. Raabe (202) 219-2811 or e-mail address at [Charles.Raabe@FERC.fed.us](mailto:Charles.Raabe@FERC.fed.us).

j. *Deadline Date:* 60 days from the date of issuance of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Copies of this filing are on file with the Commission and are available for public inspection. 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.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The existing, operating Fowler #7 Project consists of: (1) A concrete gravity-type dam surmounted by flashboards comprising; (i) the 75-foot-long, 25-foot-high Dam #1; (ii) the 192-foot-long, 20-foot-high Dam #2; and (iii) the 154-foot-long, 15-foot-high Dam #3; (2) a reservoir with a 3.0-acre surface area and a gross storage volume of 30-acre-feet at normal water surface elevation 542 feet NGVD; (3) an intake structure with trashracks; (4) a powerhouse containing three, 300-kW generating units for a total installed capacity of 900-kW; (5) a 1,000-kVA 2.3/23-kV transformer; (6) a 4,000-foot-long, 23-kV overhead transmission line; (7) a tailrace; and (8) appurtenant facilities. The applicant estimates that the total average annual generation would be 6.0 MWh. All generated power is sold to Niagara Mohawk Power Corporation.

l. *Locations of the Application:* A copy of the application is available for inspection or reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 888 First Street, NE., Room 2A-1, Washington, DC 20426, or by calling (202) 208-2326. 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). A copy is also available for inspection and reproduction at the Hydro Development Group, Inc., 200 Bulfinch Drive, Andover, MA 01810, (978) 681-1900 ext. 1214.

m. *Status of the Application and Environmental Analysis:* This application has been accepted for filing, but it is not ready for environmental analysis.

n. *Site visit:* On October 11, the participants will meet at 9:00 a.m. at the Hailesboro #4 powerhouse. Those interested in participating should contact Mr. Kevin Webb at (978) 681-1900 ext. 1214 in advance. Participants should provide their own transportation for the site visit. Further, for the October 11 site visit, participants should bring their own lunches, water, and boots.

o. *Scoping:* Scoping Document 1 has been mailed. It provides information on the Hailesboro #4 and Fowler #7 Projects, the environmental analysis process we will follow to prepare the EA, and our preliminary identification of issues that we will address in the EA. Comments and suggestions on the issues we have identified are encouraged and should be filed by the deadline identified in paragraph (j) above.

**David P. Boergers,**  
Secretary.

[FR Doc. 01-22900 Filed 9-11-01; 8:45 am]

BILLING CODE 6717-01-P

## ENVIRONMENTAL PROTECTION AGENCY

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

**AGENCY:** Environmental Protection Agency.

**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, which was lodged with the United States District Court for the Southern District of New York by the United States Environmental Protection Agency ("EPA") on August 31, 2001, to address a lawsuit filed by the New York Public Interest Research Group ("NYPIRG"). NYPIRG filed a complaint pursuant to section 304(a)(2) of the Act, 42 U.S.C. 7604(a)(2), alleging that EPA had failed to perform an act which is not discretionary. Specifically, NYPIRG alleged that EPA failed to respond to citizen petitions to object to three operating permits within the time provided in section 505(b)(2) of the Act, 42 U.S.C. 7661d(b)(2). *NYPIRG, Inc. v. Whitman*, No. 00 Civ. 9394 (S.D.N.Y.).

**DATES:** Written comments on the proposed consent decree must be received by October 12, 2001.

**ADDRESSES:** Written comments should be sent to Apple Chapman, Air and Radiations Law Office (2344), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Copies of the proposed agreement are available from Phyllis J. Cochran, (202) 564-5566.

**SUPPLEMENTARY INFORMATION:** The relevant statutory provisions are as follows. Section 304(a)(2) of the Clean Air Act provides a cause of action and jurisdiction in federal district court "against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary with the Administrator." Title V of the Clean Air Act sets forth an operating permit program for stationary sources of air pollution. Section 505(b)(1) of the Act provides EPA with an opportunity to object to a permit that a state proposes to issue within 45 days after receiving a copy of the proposed permit if EPA determines that the permit is not in compliance with the applicable requirements of the Act. Under section 505(b)(2), if EPA does not object to a permit on its own initiative, citizens may, within 60 days after the expiration of EPA's 45-day review period, petition the Administrator to issue an objection. Section 113(g) of the Act provides that before a consent order or settlement agreement under the Act to which the United States is a party may become final, EPA must provide a reasonable opportunity by notice in the **Federal Register** for persons to comment in writing. 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.

These are the key facts pertaining to this notice. The New York State Department of Environmental Conservation issued Title V permits to Yeshiva University, Action Packaging Corp., and Kings Plaza. EPA did not object to those permits on its own initiative, and NYPIRG filed citizen petitions requesting that EPA object. Those petitions were filed well over 60 days ago, and to date EPA has not taken final action to grant or deny them. In *NYPIRG, Inc. v. Whitman*, NYPIRG alleges that EPA failed to perform a duty which is not discretionary by not responding to these three petitions within the 60 days provided by statute.

The core of the proposed settlement is the agreement between the parties that

EPA will take final action granting or denying NYPIRG's Yeshiva, Acting Packaging, and Kings Plaza petitions to object by October 340, 2001. The agreement further provides that the parties will request the court to stay its consideration of the case pending implementation of, and subject to, the terms of the agreement. One of those terms provides that NYPIRG may request the court to lift the stay of the litigation if EPA fails to complete the section 113(g) notice and comment process and make the agreement final within 45 days of its execution. In addition, the agreement provides that one it becomes final, the parties will file a joint motion requesting that the court enter the agreement as a consent order.

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed Settlement Agreement from persons who were not named as parties or interveners 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 determine, following the comment period, that consent is inappropriate, the Settlement Agreement will be final.

Dated: September 5, 2001.

**Alan W. Eckert,**

*Associate General Counsel.*

[FR Doc. 01-22907 Filed 9-11-01; 8:45 am]

**BILLING CODE 6560-50-M**

## **ENVIRONMENTAL PROTECTION AGENCY**

**[OPPTS-140291; FRL-6798-4]**

### **Access to Confidential Business Information by Science Applications International Corporation (SAIC)**

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

**ACTION:** Notice.

**SUMMARY:** EPA has authorized Science Applications International Corporation (SAIC) of Reston, VA access to information which has been submitted to EPA under sections 4, 5, 6, 8, 12, and 13 of the Toxic Substances Control Act (TSCA), and section 1018 of the Residential Lead-Based Paint Reduction Act of 1992. Some of the information may be claimed or determined to be confidential business information (CBI).

**DATES:** Access to the confidential data submitted to EPA under sections 4, 5, 6, 8, 12, and 13 of TSCA, and section 1018 of the Residential Lead-Based Paint Reduction Act of 1992 occurred as a result of an approved waiver dated July 31, 2001, which requested granting SAIC immediate access to sections 4, 5, 6, 8, 12, and 13 of TSCA CBI, and section 1018 of the Residential Lead-Based Paint Reduction Act of 1992.

#### **FOR FURTHER INFORMATION CONTACT:**

Barbara A. Cunningham, Acting Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554-1404; e-mail address: TSCA-Hotline@epamail.epa.gov.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Does this Notice Apply to Me?**

This action is directed to the public in general. This action may, however, be of interest to "those persons who are or may be required to conduct testing of chemical substances under the Toxic Substances Control Act (TSCA)." Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

##### **II. How Can I Get Additional Information, Including Copies of This Document or Other Related Documents?**

You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at <http://www.epa.gov/>. To access this document, on the Home Page select "Laws and Regulations" "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at <http://www.epa.gov/fedrgrstr/>.

##### **III. What Action Is the Agency Taking?**

Under contract number 68-W-99-060, SAIC of 11251 Roger Bacon Drive, Reston, VA, will assist the Office of Pollution Prevention and Toxics (OPPTS) in performing inspections and collecting documentation from the residential real estate sales and rental industry, that could potentially be subject to TSCA CBI claims.

In accordance with 40 CFR 2.306(j), EPA has determined that under EPA