

guarantees in an amount not to exceed \$1 billion at any one time in support of long-term debt and related obligations to be issued by one or more UtiliCorp subsidiaries in connection with investments in, acquisitions of assets of, or continuing ownership of gas and/or electric utility assets outside of the United States.

UtiliCorp also requests a waiver from the Commission's competitive bidding and negotiated placement requirements at 18 CFR 34.2.

*Comment date:* October 24, 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.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 01-25621 Filed 10-11-01; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 6132-006]

### Facilitators Improving Fish Habitat; Notice of Availability of Environmental Assessment

October 5, 2001.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory

Commission's (Commission's) regulations, the Office of Energy Projects has reviewed the application dated July 11, 2001, requesting the Commission's approval to surrender the Exemption and removal of a dam at the John C. Jones Project, located on the Marsh Stream, a tributary of the Penobscot River, near the towns of Winterport and Frankfort, in Waldo County, Maine, and has prepared an Environmental Assessment (EA) for the proposed and alternative actions.

Copies of the EA can be viewed at the Commission's Public Reference Room, Room 2A, 888 First Street, NE, Washington, DC 20426, or by calling (202) 208-1371. Copies of this filing are on file with the Commission and are available for public inspection. This document 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).

Any comments on the EA should be filed within 30 days from the date of this notice and should be addressed to: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC, 20426. Please affix "John C. Jones Project No. 6132-006" to the first page of your comments. All timely filed comments will be considered in the Commission order addressing the proposed surrender of exemption and dam removal. 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.

For further information, please contact Jack Hannula at (202) 219-0116.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 01-25630 Filed 10-11-01; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FR1-7082-2]

### 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, to address a lawsuit (the

"lawsuit") filed by four environmental groups, consisting of Louisiana Environmental Action Network, North Baton Rouge Environmental Association, Save Our Lakes and Ducks, and Southern University Environmental Law Society, represented by Tulane Environmental Law Clinic (collectively, "LEAN"). LEAN petitioned for judicial review of a final rule ("the Rule") promulgated by the United States Environmental Protection Agency ("EPA") on July 2, 1999, published at 64 FR 35930, approving the revised Post-1996 Rate-of-Progress ("ROP"), Attainment Demonstration, and Contingency Measures State Implementation Plans for the Baton Rouge ozone nonattainment area. *Louisiana Environmental Action Network, et al., v. United States Environmental Protection Agency*, No. 99-60570 (5th Cir.). These State Implementation Plan ("SIP") revisions were submitted by the State of Louisiana, through its Department of Environmental Quality ("LDEQ"), pursuant to the Act.

**DATES:** Written comments on the proposed Settlement Agreement must be received by November 13, 2001.

**ADDRESSES:** Written comments should be sent to Jonathan Weisberg, Office of Regional Counsel (6 RC-M), Region 6, U.S. Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202. Copies of the proposed Settlement Agreement are available from Jonathan Weisberg, (214) 665-2180.

**SUPPLEMENTARY INFORMATION:** In September 1996, the State of Louisiana, through LDEQ, proposed a revised State Implementation Plan (the "revised SIP") for the attainment of the National Ambient Air Quality Standard ("NAAQS") for ozone for the Baton Rouge ozone nonattainment area. On July 2, 1999, EPA approved the revised SIP. LEAN objected to EPA's approval of the revised SIP, alleging that the revised SIP must provide for more reductions in VOC emissions, that the contingency plan in the revised SIP was inadequate, and that Louisiana did not demonstrate attainment of the NAAQS for ozone by November 15, 1999.

Under the revised SIP, Louisiana elected to develop a contingency measure plan using Emission Reduction Credits ("ERCs") held in escrow in the Louisiana Emission Reduction Credit Bank (the "Louisiana ERC Bank"), established pursuant to Louisiana's banking rule, set forth in Title 33 of the Louisiana Administrative Code, Chapter 6. LEAN alleged the ERCs held in escrow in the Louisiana ERC Bank were

not adequate to meet requirements for contingency measures.

Subsequent to the initiation of the lawsuit, EPA learned that LDEQ did not interpret the Act to require emission reductions to be discounted to reflect all emission reductions required under the Act, at time of their use, and that LDEQ did not discount ERCs in the Louisiana ERC Bank at time of their use. In part, based on this new information, on October 6, 2000, the parties to the lawsuit filed a joint motion for a partial voluntary remand of EPA's approval of Louisiana's contingency measure plan for the Baton Rouge ozone nonattainment area, and for a stay of all proceedings of the lawsuit (the "joint motion"). On October 19, 2000, the Court granted the joint motion.

Louisiana has been working to develop a new State Implementation Plan (the "new SIP") for the Baton Rouge ozone nonattainment area. The minimum requirements for SIP submissions are described in 40 CFR part 51. As part of the new SIP, EPA expects Louisiana to submit a new ozone attainment demonstration for the Baton Rouge ozone nonattainment area. The ozone attainment demonstration must document the photochemical modeling procedure used to determine the impacts of both local and regional control measures, must document modeling results, and, to the extent necessary to attain the ozone standard, must document additional control measures that Louisiana has selected. Any additional control measures must be reflected through adopted emission control regulations.

The Settlement Agreement provides that: (1) Tulane Environmental Law Clinic (on behalf of LEAN) will file a motion to dismiss the lawsuit in its entirety, with prejudice to its refile, within five (5) days after the Settlement Agreement becomes effective; (2) EPA and LDEQ has met and/or will meet with representatives from LEAN to discuss the proper modeling and attainment protocols to calculate and assess the attainment demonstration in the new SIP for the Baton Rouge ozone nonattainment area; and (3) the United States will reimburse LEAN \$34,000 in full satisfaction of any claim for attorney's fees and costs that was or could have been asserted in connection with the lawsuit.

LDEQ published notice of the Settlement Agreement in the Louisiana Register (0106Pot2) on June 20, 2001. The notice specified that, to be considered, comments had to be received by July 13, 2001. LDEQ did not

receive substantial adverse comment, and LDEQ has opted to proceed with the Settlement Agreement.

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: October 1, 2001.

**Alan W. Eckert,**

*Associate General Counsel.*

[FR Doc. 01-25737 Filed 10-11-01; 8:45 am]

**BILLING CODE 6560-50-M**

## ENVIRONMENTAL PROTECTION AGENCY

[CO-001-0066; FRL-7082-3]

### Adequacy Status of the Denver, Colorado PM<sub>10</sub> Maintenance Plan for Transportation Conformity Purposes

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

**ACTION:** Notice of adequacy.

**SUMMARY:** In this document, EPA is notifying the public that we have found that the motor vehicle emissions budgets in the Denver particulate matter of 10 micrograms in size or smaller (PM<sub>10</sub>) maintenance plan submitted on July 30, 2001, are adequate for conformity purposes. On March 2, 1999, the D.C. Circuit Court ruled that submitted State Implementation Plans (SIPs) cannot be used for conformity determinations until EPA has affirmatively found them adequate. As a result of our finding, the Denver Regional Council of Governments, the Colorado Department of Transportation and the U.S. Department of Transportation are required to use the motor vehicle emissions budgets from this submitted maintenance plan for future conformity determinations.

**DATES:** This finding is effective October 29, 2001.

**FOR FURTHER INFORMATION CONTACT:** Kerri Fiedler, Air & Radiation Program

(8P-AR), United States Environmental Protection Agency, Region 8, 999 18th Street, Suite 300, Denver, Colorado 80202-2466, (303) 312-6493.

The letter documenting our finding is available at EPA's conformity website: <http://www.epa.gov/oms/transp/conform/adequacy.htm>.

#### SUPPLEMENTARY INFORMATION:

Throughout this document wherever "we," "us," or "our" are used we mean EPA.

This action is simply an announcement of a finding that we have already made. We sent a letter to the Colorado Air Pollution Control Division on September 20, 2001 stating that the motor vehicle emissions budgets in the submitted Denver PM<sub>10</sub> maintenance plan are adequate. This finding has also been announced on our conformity Web site at <http://www.epa.gov/oms/transp/conform/adequacy.htm>.

Transportation conformity is required by section 176(c) of the Clean Air Act. Our conformity rule requires that transportation plans, programs, and projects conform to SIPs and establishes the criteria and procedures for determining whether or not they do. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

The criteria by which we determine whether a SIP's motor vehicle emission budgets are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4). Please note that an adequacy review is separate from our completeness review, and it also should not be used to prejudice our ultimate approval of the SIP. Even if we find a budget adequate, the SIP could later be disapproved, and vice versa.

We've described our process for determining the adequacy of submitted SIP budgets in a memo entitled, "Conformity Guidance on Implementation of March 2, 1999 Conformity Court Decision," dated May 14, 1999. We followed this guidance in making our adequacy determination.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: October 4, 2001.

**Andrew M. Gaydosh,**

*Acting Regional Administrator, Region VIII.*

[FR Doc. 01-25739 Filed 10-11-01; 8:45 am]

**BILLING CODE 6560-50-P**