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

*Deputy Secretary.*

[FR Doc. 02-22297 Filed 8-30-02; 8:45 am]

BILLING CODE 6717-01-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7271-6]

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

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

**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 Louisiana Environmental Action Network ("LEAN"), represented by Tulane Environmental Law Clinic: *Louisiana Environmental Action Network v. Whitman*, No. 02-226-B-M2 (M.D. La.). On or about March 1, 2001, LEAN filed a Complaint seeking to compel Christine Todd Whitman, in her official capacity as Administrator of the EPA, to respond to two administrative petitions to object to state operating permits issued by the Louisiana Department of Environmental Quality ("LDEQ"). Under the terms of the proposed settlement agreement, EPA will respond to the petitions by September 30, 2002, and October 31, 2002, respectively. Within thirty days of EPA's response to said petitions, LEAN will file a motion for voluntary dismissal of the Complaint, with prejudice to its refile.

**DATES:** Written comments on the proposed settlement agreement must be received by October 3, 2002.

**ADDRESSES:** Written comments should be sent to Cecilia Kim, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania

Ave., NW., Washington, DC 20460. Copies of the proposed settlement are available from Phyllis J. Cochran, (202) 564-7606.

**SUPPLEMENTARY INFORMATION:** The Clean Air Act affords EPA a 45-day period to review and object to, as appropriate, operating permits proposed by state permitting authorities. Section 505(b)(2) of the Act authorizes any person to petition the EPA Administrator within 60 days after the expiration of this 45-day review period to object to state operating permits if EPA has not done so. LEAN filed two administrative petitions to object to state operating permits issued by LDEQ. The first petition, submitted by letter dated January 2, 2001, challenges the issuance of a Title V operating permit to Borden Chemical, Inc., for the construction of a formaldehyde plant in Geismar, Louisiana (the "Borden Petition"). The second petition, submitted by letter dated June 18, 2001, challenges the issuance of a Title V operating permit to Dow Chemicals, Inc., for construction of a facility in Plaquemine, Louisiana (the "Dow Petition"). The lawsuit alleges that EPA has a nondiscretionary duty to grant or deny such petitions within 60 days, and seeks to compel EPA to respond to the petitions.

The settlement agreement provides that, within ten days after execution by the parties, the parties will file a joint motion with the court requesting the lawsuit be stayed. LEAN may request the court to lift the stay of the lawsuit, and establish a schedule for further proceedings, if EPA fails to sign a response to the Borden Petition by September 30, 2002, or fails to sign a response to the Dow Petition by October 31, 2002.

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, based on any comment which may be submitted, that consent to the settlement agreement should be withdrawn, the terms of the agreement will be affirmed.

Dated: August 27, 2002.

**Lisa K. Friedman,**

*Associate General Counsel, Air and Radiation Law Office, Office of General Counsel.*

[FR Doc. 02-22367 Filed 8-30-02; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[MO 163-1163; FRL-7271-8]

### Clean Air Act Operating Permit Program; Petition for Objection to State Operating Permit for Doe Run Buick Mine and Mill

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

**ACTION:** Notice of final order on petition to object to state operating permit.

**SUMMARY:** This document announces that the EPA Administrator has responded to a citizen petition asking EPA to object to the operating permit issued to Doe Run Buick Mine and Mill by the Missouri Department of Natural Resources (MDNR). Specifically, the Administrator has partially granted and partially denied a petition submitted by the Sierra Club to object to the State operating permit issued to Doe Run Buick Mine and Mill in Boss, Missouri. **ADDRESSES:** You may review copies of the final order, the petition, and other supporting information at the EPA, Region 7, 901 N. Fifth Street, Kansas City, Kansas 66101. If you wish to examine these documents, you should make an appointment at least 24 hours before visiting day. The final order is also available electronically at <http://www.epa/region07/programs/artd/air/title5/petitiondb/petitiondb2000.htm>.

**FOR FURTHER INFORMATION CONTACT:** Harriett Jones, EPA, Region 7, Air, RCRA, and Toxics Division, Air Permitting and Compliance Branch (ARTD/APCO), 901 N. 5th Street, Kansas City, Kansas 66101, (913) 551-7730, or by e-mail at [jones.harriett@epa.gov](mailto:jones.harriett@epa.gov).

**SUPPLEMENTARY INFORMATION:** The Clean Air Act (Act) affords EPA a 45-day period to review, and, as appropriate, object to operating permits proposed by state permitting authorities. Section 505(b)(2) of the Act authorized any person to petition the EPA Administrator within 60 days after the expiration of this review period to object to state operating permits if EPA has not done so. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the state, unless the