

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****Notice of Transfer of License and Soliciting Comments, Motions To Intervene, and Protests**

January 14, 2003.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. *Application Type*: Transfer of License.
  - b. *Project No.*: P-3267-013.
  - c. *Date Filed*: August 5, 2002.
  - d. *Applicants*: Bellows-Tower Hydro, Inc. (Transferor) and North Country Community College Foundation, Inc. (Transferee).
  - e. *Name of Project*: Ballard Mill.
  - f. *Location*: On the Salmon River in Franklin County, New York. The project does not utilize federal or tribal lands.
  - g. *Filed Pursuant to*: Federal Power Act, 16 U.S.C. 791(a)-825(r).
  - h. *Applicants Contact*: Frank Christie, Bellows-Tower Hydro, Inc., 359 River Street, Suite 202, Manistee, MI 49660, (231) 398-0625 (Transferor); Ted Morgan, North Country Community College Foundation, Inc., 20 Winona Ave., P.O. Box 89, Saranac Lake, NY 12983.
  - i. *FERC Contact*: Regina Saizan, (202) 502-8765.
  - j. *Deadline for filing comments and or motions*: February 14, 2003.
- All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. 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 strongly encourages electronic filings. Please include the project number (P-3267-013) on any comments or motions filed.
- The Commission's rules of practice and procedure require all interveners filing a document with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener 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 Transfer*: The applicants seek Commission approval to

transfer the license for the Ballard Mill Project from Bellows-Tower Hydro, Inc. to the North Country Community College Foundation, Inc.

1. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "FERRIS" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1-866-208-3676 or e-mail [ferconlinesupport@ferc.gov](mailto:ferconlinesupport@ferc.gov). For TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the addresses in item h.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**Magalie R. Salas,**  
Secretary.

[FR Doc. 03-1264 Filed 1-17-03; 8:45 am]

**BILLING CODE 6717-01-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[Regional Docket Nos. II-2000-08, -09, II-2001-01, -03, -04; FRL-7439-6]

**Clean Air Act Operating Permit Program; Petitions for Objection to State Operating Permits for Columbia University; Starrett City Power Plant; Elmhurst Hospital; Maimonides Medical Center; and the Bergen Point Sewage Treatment Plant**

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

**ACTION**: Notice of final orders on petitions to object to five State operating permits.

**SUMMARY**: This document announces that the EPA Administrator has responded to five citizen petitions asking EPA to object to operating permits issued to five facilities by the New York State Department of Environmental Conservation (NYSDEC). Specifically, the Administrator has partially granted and partially denied each of the petitions submitted by the New York Public Interest Research Group (NYPIRG) to object to each of the State operating permits issued to the following facilities: Columbia University in New York, NY; Starrett City Power Plant in Brooklyn, NY; Elmhurst Hospital in Elmhurst, NY; Maimonides Medical Center in Brooklyn, NY; and Bergen Point Sewage Treatment Plant in West Babylon, NY.

Pursuant to section 505(b)(2) of the Clean Air Act (Act), Petitioner may seek judicial review of those portions of the petitions which EPA denied in the United States Court of Appeals for the appropriate circuit. Any petition for review shall be filed within 60 days from the date this notice appears in the **Federal Register**, pursuant to section 307 of the Act.

**ADDRESSES**: You may review copies of the final orders, the petitions, and other supporting information at the EPA, Region 2, 290 Broadway, New York, New York 10007-1866. If you wish to examine these documents, you should make an appointment at least 24 hours before visiting day. Additionally, the final orders for Columbia University, Starrett City and Elmhurst Hospital are available electronically at: <http://www.epa.gov/region07/programs/artd/air/title5/petitiondb/petitiondb2000.htm>, and the final orders for Maimonides Medical Center and Bergen Point Sewage Treatment Plant are available electronically at: <http://www.epa.gov/region07/programs/artd/air/title5/petitiondb/petitiondb2001.htm>.

**FOR FURTHER INFORMATION CONTACT:** Steven Riva, Chief, Permitting Section, Air Programs Branch, Division of Environmental Planning and Protection, EPA, Region 2, 290 Broadway, 25th Floor, New York, New York 10007-1866, telephone (212) 637-4074.

**SUPPLEMENTARY INFORMATION:** The 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 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 petitioner demonstrates that it was impracticable to raise these issues during the comment period or the grounds for the issues arose after this period.

### **I. Columbia University**

On October 2, 2000, the EPA received a petition from NYPIRG, requesting that EPA object to the issuance of the title V operating permit to Columbia University. The petition raises issues regarding the permit application, the permit issuance process, and the permit itself. NYPIRG asserts that (1) NYSDEC violated the public participation requirements of 40 CFR 70.7(h) by inappropriately denying NYPIRG's request for a public hearing; (2) the permit is based on an incomplete permit application in violation of 40 CFR 70.5(c); (3) the permit lacks an adequate statement of basis as required by 40 CFR 70.7(a)(5); (4) the permit distorts the annual compliance certification requirement of CAA section 114(a)(3) and 40 CFR 70.6(c)(5); (5) the permit does not assure compliance with all applicable requirements as mandated by 40 CFR 70.1(b) and 70.6(a)(1) because it illegally sanctions the systematic violation of applicable requirements during startup/shutdown, malfunction, maintenance, and upset conditions; (6) the permit does not require prompt reporting of all deviations from permit requirements as mandated by 40 CFR 70.6(a)(3)(iii)(B); and (7) the permit does not assure compliance with all applicable requirements as mandated by 40 CFR 70.1(b) and 70.6(a)(1) because many individual permit conditions lack adequate monitoring and are not practically enforceable.

On December 16, 2002, the Administrator issued an order partially granting and partially denying the

petition on Columbia University. The order explains the reasons behind EPA's conclusion that the NYSDEC must reopen the permit to: (1) Enforceably prohibit operation of all four boilers simultaneously, (2) specify that continuous opacity monitors are used, (3) incorporate monitoring for fuel sulfur content, (4) incorporate sulfur requirements of the New Source Performance Standards, (5) include monitoring to support the annual and hourly NO<sub>x</sub> limits, and (6) incorporate operational restrictions to limit the annual SO<sub>2</sub> emissions and include monitoring to support the hourly SO<sub>2</sub> limits. The order also explains the reasons for denying NYPIRG's remaining claims.

NYPIRG raises each of the above seven issues in the petitions on Starrett City Power Plant and Elmhurst Hospital, as well. NYPIRG raises each of the above issues except the public hearing issue in the petitions on Maimonides Medical Center and Bergen Point Sewage Treatment Plant. Further, in the Starrett City and Maimonides petitions, NYPIRG raises an additional issue: the permit fails to include the applicable particulate matter limitation that is part of New York's State Implementation Plan. Finally, in the petition on Bergen Point, NYPIRG raises a new issue: the permit lacks federally enforceable conditions that govern the procedures for permit renewal. In each of these petitions, the issue on monitoring is subdivided into several detailed points, some of which are permit-specific and some of which are shared among the other permits.

### **II. Starrett City Power Plant**

On January 3, 2001, the EPA received a petition from NYPIRG, requesting that EPA object to the issuance of the title V operating permit to Starrett City, on the grounds listed above. On December 16, 2002, the Administrator issued an order partially granting and partially denying the petition. The order explains the reasons behind EPA's conclusion that the NYSDEC must reopen the permit to: (1) Revise the permit's sulfur-in-fuel provisions to incorporate the applicable SIP citation; (2) add the requirement for annual tune-ups for the facility's four boilers; (3) add operational restrictions for the facility's three reciprocating engines; (4) add recordkeeping and operational limits based on the most recent stack test for the facility's three reciprocating engines; (5) add the requirement for annual tune-ups for the facility's three reciprocating engines; and (6) add the applicable SIP particulate matter limit and appropriate monitoring for the facility's four boilers

and three reciprocating engines. The order also explains the reasons for denying NYPIRG's remaining claims.

### **III. Elmhurst Hospital**

On October 10, 2000, the EPA received a petition from NYPIRG, requesting that EPA object to the issuance of the title V operating permit to Elmhurst Hospital on the grounds listed above. On December 16, 2002, the Administrator issued an order partially granting and partially denying the petition. The order explains the reasons behind EPA's conclusion that the NYSDEC must reopen the permit to add requirements for prompt reporting of temperature excursions at the ethylene oxide abatement system. The order also explains the reasons for denying NYPIRG's remaining claims.

### **IV. Maimonides Medical Center**

On October 29, 2001, the EPA received a petition from NYPIRG, requesting that EPA object to the issuance of the title V operating permit to the Maimonides Medical Center on the grounds listed above. On December 16, 2002, the Administrator issued an order partially granting and partially denying the petition. The order explains the reasons behind EPA's conclusion that the NYSDEC must reopen the permit to: (1) Add the requirements for annual tune-ups for the facility's five boilers; (2) add the applicable SIP particulate matter limit and appropriate monitoring and recordkeeping; (3) move compliance requirements relating to the ethylene oxide control device from the State side to the federally enforceable side of the permit; (4) revise monitoring compliance requirements to express permissible emission rates in terms of those same units that are expressed in the SIP; (5) specify which of two proposed emission control scenarios, stated in the permit, is being retained for implementation regarding the ethylene oxide operation; (6) upgrade the existing monitoring relating to the ethylene oxide operation; and (7) add opacity monitoring requirements to the ethylene oxide operation. The order also explains the reasons for denying NYPIRG's remaining claims.

### **V. Bergen Point Sewage Treatment Plant**

On October 15, 2001, the EPA received a petition from NYPIRG, requesting that EPA object to the issuance of the title V operating permit to Bergen Point on the grounds listed above. On December 16, 2002, the Administrator issued an order partially granting and partially denying the petition. The order explains the reasons

behind EPA's conclusion that the NYSDEC must reopen the permit to: (1) Upgrade existing monitoring relating to stack testing and stack emissions; (2) include both particulate matter emission limits (State and Federal) as applicable requirements of the incinerators; (3) require permittee to keep a log of the incinerators' operating hours; (4) incorporate calibration methods and frequencies for monitoring devices; (5) specify a test method and appropriate recordkeeping for the sludge sampling activity; (6) incorporate the average scrubber pressure drop from the most recent performance test; and (7) specify QA/QC requirements with respect to the continuous opacity monitors. The order also explains the reasons for denying NYPIRG's remaining claims.

Dated: January 7, 2003.

**Jane M. Kenny,**

*Regional Administrator, Region 2.*

[FR Doc. 03-964 Filed 1-17-03; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7440-8]

### EPA Science Advisory Board, Notification of Public Advisory, Committee Teleconference Meeting; Human Health Strategy Review Panel

Pursuant to the Federal Advisory Committee Act, Public Law 92-463, Notice is hereby given that the Human Health Strategy Review Panel (HHRS Review Panel) of the U.S. Environmental Protection Agency's (EPA) Science Advisory Board (SAB) will meet via teleconference on February 7, 2003 from 1 p.m. to 3 p.m. eastern time. This teleconference meeting will be hosted out of Conference Room 6013, USEPA, Ariel Rios Building North, 1200 Pennsylvania Avenue, NW., Washington, DC 20004. The meeting is open to the public, but, due to limited space, seating will be on a first-come basis. The public may also attend via telephone, however, lines may be limited. Information on how to participate is given below.

**Background**—The background for this review and the charge to the HHRS Review Panel was published in 67 FR 41718 on June 19, 2002. The notice also included a draft charge to the HHRS Review Panel; a call for nominations for members of the HHRS Review Panel in certain technical expertise areas needed to address the charge and described the process to be used in forming the HHRS Review Panel. Subsequently, notice was published October 11, 2002 (67 FR

63422) detailing meetings that have since been convened: a teleconference on October 23, 2002, and a face to face meeting in RTP, North Carolina on November 20–22, 2002.

**Purpose of this Meeting**—The purpose of this public teleconference meeting is for the HHRS Review Panel to: (a) Review and revise the panel's draft report as necessary; and (b) approve the report as revised for delivery to the SAB Executive Committee.

**FOR FURTHER INFORMATION:** To inquire about public participation in the meeting identified above please contact Dr. Suhair Shallal, Designated Federal Officer, HHRS Review Panel, USEPA Science Advisory Board (1400A), Suite 6450P, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone/voice mail at (202) 564-4566; fax at (202) 501-0582; or via e-mail at [shallal.suhair@epa.gov](mailto:shallal.suhair@epa.gov). Members of the public desiring additional information about the meeting locations or the call-in number for the teleconference must contact Dr. Shallal at the addresses and numbers identified above.

**Submitting Public Comments**—The SAB will have a brief period (no more than 10 minutes) available during the Teleconference meeting for applicable public comment. For the Teleconference, the oral public comment period will be divided among the speakers who register. Registration is on a first come basis. Speakers who have been granted time on the agenda may not yield their time to other speakers. Those wishing to speak but who are unable to register in time may provide their comments in writing. Requests for oral comments must be in writing (e-mail, fax or mail) and received by Dr. Shallal at the address above no later than noon eastern time on January 31, 2003.

**Availability of Review Material**—There is one primary EPA document that is the subject of this review. This review document (Human Health Research Strategy, USEPA ORD, May 2002) is available electronically at the following site <http://www.epa.gov/sab/pdf/hhrs.pdf>

### Providing Oral or Written Comments at SAB Meetings

It is the policy of the EPA Science Advisory Board to accept written public comments of any length, and to accommodate oral public comments whenever possible. The EPA Science Advisory Board expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements. **Oral Comments:** In general, each individual or group requesting an oral

presentation at a face-to-face meeting will be limited to a total time of 10 minutes (unless otherwise indicated above). For teleconference meetings, opportunities for oral comment will usually be limited to no more than three minutes per speaker and no more than 15 minutes total (unless otherwise indicated above). Deadlines for getting on the public speaker list for a meeting are given above. Speakers should bring at least 35 copies of their comments and presentation slides for distribution to the reviewers and public at the meeting. **Written Comments:** Although the SAB accepts written comments until the date of the meeting (unless otherwise stated), written comments should be received in the SAB Staff Office at least one week prior to the meeting date so that the comments may be made available to the review panel for their consideration. Comments should be supplied to the appropriate DFO at the address/contact information noted above in the following formats: One hard copy with original signature, and one electronic copy via e-mail (acceptable file format: Adobe Acrobat, WordPerfect, Word, or Rich Text files (in IBM-PC/Windows 95/98 format). Those providing written comments and who attend the meeting are also asked to bring 20 copies of their comments for public distribution.

**Meeting Access**—Individuals requiring special accommodation at this meeting, including wheelchair access to the conference room, should contact Dr. Shallal at least five business days prior to the meeting so that appropriate arrangements can be made.

**General Information**—Additional information concerning the EPA Science Advisory Board, its structure, function, and composition, may be found on the SAB Web site (<http://www.epa.gov/sab>) and in the Science Advisory Board FY2001 Annual Staff Report, which is available from the SAB Publications Staff at (202) 564-4533 or via fax at (202) 501-0256.

Dated: January 9, 2003.

**A. Robert Flaak,**

*Acting Staff Office Director, EPA Science Advisory Board Staff Office.*

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