

k. This application has been accepted, but is not ready for environmental analysis at this time.

l. The Cedar Falls Project consists of the following existing facilities: (1) A 510-foot-long by about 50-foot-high dam, topped with two, 23-foot-wide by 5-foot-high, steel Tainter gates, with a total dam discharge capacity of 57,000 cfs; (2) a 1,752-acre reservoir (Tainter Lake) with a gross storage capacity of about 23,000-acre feet; (3) a 140-foot-long by 150-foot-wide by 42-foot-high powerhouse containing three 2,000-kilowatt (kW) horizontal generators with Francis turbines, with a total maximum hydraulic capacity of 2,500 cfs and a total installed generating capacity of 7.1 MW, producing a total of 33,678,351 kWh annually; (4) a substation containing a 69-kV bus from which power flows to four 69-kV transmission lines that serve the applicant's interconnected electrical system, or to a 10,500-kva transformer that serves a local distribution load (no transmission lines are part of this project); and (5) appurtenant facilities. The dam and existing project facilities are owned by Northern States Power Company (d/b/a Xcel Energy).

m. A copy of the application 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 "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at 1-866-208-3676, or for TTY, (202) 502-8659. A copy is also available for inspection and reproduction at the address in item h. above.

You may also register online at <http://www.ferc.gov/esubscribenow.htm> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests 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 protests or motions to intervene must be received on or before the specified deadline date for the particular application.

All filings must (1) bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE"; (2) set

forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

**Magalie R. Salas,**  
*Secretary.*

[FR Doc. 03-22723 Filed 9-5-03; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 2161-006]

#### Rhineland Paper Company, Wisconsin; Errata Notice

August 27, 2003.

On August 20, 2003, the Commission issued an "Order Issuing New License", 104 FERC ¶ 62,134 (2003), to operate and maintain the Rhineland Hydroelectric Project located on River, County, Wisconsin. This notice corrects the license ordering paragraphs.

Ordering Paragraph (B)(1) is changed to read:

(1) All lands, to the extent of the licensee's interests in those lands, enclosed by the project boundary approved in the previous license order for this project,<sup>28</sup> remain in affect.

Ordering Paragraph (E), Article 202 is changed to read:

Article 202. Within 45 days of the date of issuance of the license, the licensee shall file three sets of aperture cards of the approved exhibit drawings. The sets must be reproduced on silver or gelatin 35mm microfilm.

Prior to microfilming, the FERC Drawing Number (2161-1001 through 2161-1007) shall be shown in the margin below the title block of the approved drawing. After mounting, the FERC Drawing Number shall be typed on the upper right corner of each aperture card. Additionally, the Project Number, FERC Exhibit (e.g., F-1, G-1, etc.), Drawing Title, and date of this license shall be typed on the upper left corner of each aperture card.

Two of the sets shall be filed with the Secretary of the Commission, ATTN:

OEP/DHAC. The third set shall be filed with the Commission's Chicago Regional Office.

**Linda Mitry,**  
*Acting Secretary.*

[FR Doc. 03-22721 Filed 9-5-03; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. AD03-13-000]

#### Application of the Primary Function Test for Gathering on the Outer Continental Shelf; Notice for Extension of Time to File Comments

August 27, 2003.

On August 14, 2003, a notice was issued stating that on September 23, 2003, the Commission would convene a public conference to explore criteria for distinguishing gathering facilities from transmission facilities in shallow waters of the Outer Continental Shelf. The notice requested that comments in response to the notice be submitted to the Commission by September 3, 2003. On August 22, 2003, the Williams Companies, Inc. (Williams), submitted a request—supported by the Interstate Natural Gas Association of America, the Natural Gas Supply Association, Duke Energy Field Services, the KeySpan Delivery Companies, and BP Energy Company—for an extension of time to file comments in response to the notice of the conference.

Williams requests additional time because the period to prepare comments coincides with holidays. In view of the support favoring Williams' request, the time to submit comments will be extended by a week, from September 3 to September 10, 2003.

Although the date for comments is changed, the date for notifying the Commission of an intention to participate in the conference remains the same. Therefore, persons interested in speaking or making a presentation at the conference must indicate their interest no later than September 3, 2003; comments addressing the questions specified in the August 14 notice must be filed by September 10, 2003. There is no need to provide advance notice to the Commission simply to attend the conference.

A subsequent notice will provide further details on the conference, including the agenda and a list of participants, as plans evolve. For additional information, please contact Gordon Wagner, Office of General

<sup>28</sup> 14 FERC ¶ 62,064 (1981).

Counsel, phone 202-502-8947, e-mail: [gordon.wagner@ferc.gov](mailto:gordon.wagner@ferc.gov).

**Magalie R. Salas,**  
Secretary.

[FR Doc. 03-22720 Filed 9-5-03; 8:45 am]

**BILLING CODE 6717-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7555-1]

### Proposed Consent Decree, Clean Air Act Citizen Suit

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

**ACTION:** Notice of proposed Consent Decree; 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 Consent Decree. On August 15, 2003, Environmental Defense filed a complaint pursuant to section 304(a) of the Act, 42 U.S.C. 7604(a), alleging that the Environmental Protection Agency had failed to meet its mandatory duty to promulgate guidelines and requirements for Best Available Retrofit Technology ("BART") for certain major stationary sources. *Environmental Defense v. Marianne Lamont Horinko*, No. 1:03CV01737 RMU (D.D.C.). On August 19, 2003, the United States Environmental Protection Agency lodged the proposed Consent Decree with the United States District Court for the District of Columbia Circuit. The proposed Consent Decree establishes a time frame for EPA to promulgate the BART regulations and guidelines.

**DATES:** Written comments on the Proposed Consent decree must be received by October 8, 2003.

**ADDRESSES:** Written comments should be sent to M. Lea Anderson, 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 Consent Decree are available from Phyllis J. Cochran, (202) 564-5566.

#### SUPPLEMENTARY INFORMATION:

Environmental Defense alleges that EPA failed to promulgate BART regulations and guidelines by the Congressionally-enacted deadline.

Pursuant to sections 169A and 169B of the Clean Air Act, EPA promulgated regulations on July 1, 1999 to protect visibility in Federal Class I areas. 64 FR 35714 ("regional haze rule"). In addition, pursuant to section 169A(b),

EPA proposed to promulgate guidelines for the implementation of the BART requirements of the regional haze rule on July 20, 2001, 66 FR 38108, but has not published final guidelines. The regional haze rule was challenged, and on May 24, 2002, the United States Court of Appeals for the District of Columbia Circuit ("D.C. Circuit") vacated and remanded to EPA the BART provisions of the regional haze rule. *American Corn Growers Assoc. v. EPA*, 291 F.3d 1 (D.C. Cir. 2002).

Section 169B(e) of the CAA provides that EPA must carry out its regulatory responsibilities under section 169A of the Act to promulgate regulations to protect visibility by December 10, 1997.<sup>1</sup> These regulations must require each applicable implementation plan to contain measures to assure reasonable progress toward the national visibility goal, including requirements that certain major stationary sources procure, install, and operate BART. CAA section 169A(b)(2). The CAA also requires EPA to provide guidelines to the States on the implementation of the visibility program, including guidelines for the determination of BART emission limits for fossil-fuel fired generating plants with a total generating capacity in excess of 750 megawatts. CAA section 169A(b).

The Consent Decree provides that EPA will sign a notice of proposed rulemaking setting forth its proposed BART regulations and guidelines no later than April 15, 2004. It further provides that EPA will submit the notice of proposed rulemaking to the Office of Federal Register no later than five days following signature. The Decree also provides that EPA shall sign a final notice of rulemaking setting forth its BART regulations and guidelines no later than April 15, 2005, and that EPA will submit the notice of final rulemaking to the Office of Federal Register no later than five days following signature.

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 Consent Decree 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 Consent Decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or

<sup>1</sup> Section 169B(e)(1) of the CAA requires EPA to issue regional haze rules within 18 months of the receipt of the final report of the Grand Canyon Visibility Transport Commission. This report was received by EPA on June 10, 1996.

inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determine, following the comment period, that consent is inappropriate, the Consent Decree will be final.

Dated: August 22, 2003.

**Lisa K. Friedman,**  
Associate General Counsel.

[FR Doc. 03-22769 Filed 9-5-03; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7554-7]

### Control of Emissions From New Highway Vehicles and Engines

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

**ACTION:** Notice of denial of petition for rulemaking.

**SUMMARY:** A group of organizations petitioned EPA to regulate emissions of carbon dioxide and other greenhouse gases from motor vehicles under the Clean Air Act. For the reasons set forth in this notice, EPA is denying the petition.

**EFFECTIVE DATE:** September 8, 2003.

**ADDRESSES:** Information relevant to this action is contained in Docket No. A-2000-04 at the EPA Docket Center, Public Reading Room, Room B102, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC. Dockets may be inspected at this location from 8:30 a.m. to 4:30 p.m., Monday through Friday, except on Government holidays. You can reach the Air Docket by telephone at (202) 566-1742 and by facsimile at (202) 566-1741. You may be charged a reasonable fee for photocopying docket materials, as provided in 40 CFR part 2.

**FOR FURTHER INFORMATION CONTACT:** Chitra Kumar, Office of Air and Radiation, (202) 564-1389.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On October 20, 1999, the International Center for Technology Assessment (ICTA) and a number of other organizations<sup>1</sup> petitioned EPA to

<sup>1</sup> Alliance for Sustainable Communities, Applied Power Technologies, Bio Fuels America, California Solar Energy Industries Association, Clements Environmental Corporation, Environmental Advocates, Environmental and Energy Study Institute, Friends of the Earth, Full Circle Energy Project, Green Party of Rhode Island, Greenpeace USA, Network for Environmental and Economic Responsibility of the United Church of Christ, New Jersey Environmental Watch, New Mexico Solar