

Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please include the project number (P-349-091) on any comments or motions filed. 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 e-filings.

k. *Description of Proposal*: Alabama Power Company is requesting Commission approval to permit Harbor Pointe Development to use project lands below the 490-foot contour to accommodate the following: (1) Installation of a total of 64 new boat slips; (2) relocation and upgrade of a walkway and fuel dock; (3) relocation and upgrade of the sewage pump out station; (4) construction of a seawall approximately 2,812 feet long (of which 400 feet are presently under construction pursuant to the Commission's Order Approving Non-Project Use of Project Lands issued December 23, 2003); and (5) the construction of a new boat ramp. The marina presently consists of 153 floating boat slips, a fuel dock and sewage pump out station. The marina is located on the Blue Creek portion of Lake Martin within the StillWaters Resort near Dadeville, Tallapoosa County, Alabama.

l. *Location of the Applications*: The filings are available for review at the Commission in the Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, D.C. 20426, 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, please call the Helpline at (866) 208-3676 or contact [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov). For TTY, contact (202) 502-8659.

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 applications. A copy of the applications 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.

q. 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 at <http://www.ferc.gov> under the "e-Filing" link.

**Magalie R. Salas,**  
Secretary.

[FR Doc. E4-200 Filed 2-5-04; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Application for Transfer of License and Soliciting Comments, Motions To Intervene, and Protests

January 30, 2004.

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.*: 8866-006.

c. *Date Filed*: November 12, 2003, supplemented on January 23, 2004.

d. *Applicants*: Jerry Lou Jaramillo, William J. Stevenson, and Linda S. Akers, co-personal representatives of the Estate of Lynn E. Stevenson (Transferor) and N. Stanley Standal, Jr. and Loretta M. Standal (Transferees).

e. *Name of Project*: Project No. 2.

f. *Location*: On an unnamed tributary of the Snake River in Gooding County, Idaho near the town of Bliss.

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

h. *Applicants Contact*: N. Stanley Standal, Jr., 609 River Road, Bliss, Idaho 83314.

i. *FERC Contact*: Regina Saizan, (202) 502-8765.

j. *Deadline for filing comments and or motions*: March 1, 2004.

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-8866-006) 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*: Jerry Lou Jaramillo, William J. Stevenson, and Linda S. Akers, as co-personal representatives of the Estate of Lynn E. Stevenson, and N. Stanley Standal, Jr. and Loretta M. Standal jointly seek Commission approval to transfer the license for Project No. 2 from Lynn E. Stevenson to N. Stanley Standal, Jr. and Loretta M. Standal.

l. *Locations of Application*: A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502-8371. This filing may also 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, 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. above.

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**Magalie R. Salas,**

*Secretary.*

[FR Doc. E4-201 Filed 2-5-04; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7619-2]

### Proposed Settlement Agreement, Clean Air Act Petitions For Review

**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 one of four issues briefed in lawsuits filed by Sierra Club and Georgia ForestWatch (collectively, "Petitioners"): *Sierra Club v. Leavitt*, Nos. 03-10262-F & 03-10263-F, and *Georgia ForestWatch v. Leavitt*, Nos. 03-10264-F and 03-10265-F (11th Cir.)

(consolidated). On or about January 16, 2003, Petitioners filed petitions for review of four orders in which the Administrator denied Petitioners' administrative petitions requesting that EPA object to operating permits issued by the Georgia Department of Natural Resources, Environmental Protection Division ("Georgia EPD"), under title V of the Act for four facilities in Georgia. The petitions for review, which have been consolidated, seek a court order requiring EPA to object to the permits based on Petitioners' allegations that the permits fail to comply with aspects of Georgia's title V program, the Act and EPA's title V implementing regulations. One of Petitioners' allegations is that EPA was required to object to the title V operating permit issued by Georgia EPD for the Monroe Power facility in Monroe (Walton County), Georgia, because the permit contains inadequate monitoring for carbon monoxide. Under the terms of the proposed settlement agreement, EPA and Petitioners (collectively, the "Parties") jointly would request that the court stay the oral argument (scheduled for January 29, 2004) and hold the consolidated cases in abeyance while Georgia EPD proposes to reopen and revise the Monroe Power title V permit to require continuous monitoring of carbon monoxide emissions from two combustion turbines and to include certain related requirements. If the permit were revised consistent with the draft permit revisions attached to the proposed settlement agreement, the Parties jointly would notify the court that their dispute concerning the Monroe Power carbon monoxide monitoring issue had been resolved and would ask that the court set a date for oral argument on the remaining issues in the consolidated cases.

**DATES:** Written comments on the proposed settlement agreement must be received by March 8, 2004.

**ADDRESSES:** Submit your comments, identified by docket ID number OGC-2004-0002, online at <http://www.epa.gov/edocket> (EPA's preferred method); by e-mail to [oei.docket@epa.gov](mailto:oei.docket@epa.gov); mailed to EPA Docket Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; or by hand delivery or courier to EPA Docket Center, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC, between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays. Comments on a disk or CD-ROM should be formatted in Wordperfect or ASCII file, avoiding the

use of special characters and any form of encryption, and may be mailed to the mailing address above.

**FOR FURTHER INFORMATION CONTACT:**

Kerry E. Rodgers, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460, telephone (202) 564-5671.

**SUPPLEMENTARY INFORMATION:**

### I. Additional Information About the Proposed Settlement

On or about January 16, 2003, Petitioners filed four petitions for review with the U.S. Court of Appeals for the Eleventh Circuit challenging four orders in which the Administrator of the EPA denied administrative petitions filed by Sierra Club and Georgia ForestWatch. The administrative petitions asked the Administrator to object to operating permits issued by the Georgia Department of Natural Resources, Environmental Protection Division ("Georgia EPD"), pursuant to title V of the Clean Air Act ("Act"), 42 U.S.C. 7661-7661f, for four facilities in Georgia: (1) King America Finishing, Inc.; (2) Monroe Power Company; (3) Shaw Industries, Inc., Plant No. 2; and (4) Shaw Industries, Inc., Plant No. 80 (collectively, "Shaw").<sup>1</sup> The petitions for review asked the court to order EPA to object to the permits based on Petitioners' allegations that the permits violate aspects of Georgia's title V operating permits program and fail to meet certain requirements of the Act and EPA's title V implementing regulations at 40 CFR part 70. Specifically, Petitioners sought to require EPA to object to the permits issued to King Finishing, Monroe Power and Shaw based on the State's requirements for reporting monitoring results and the content of the State's public notices of draft permits. Sierra Club also sought to require EPA to object to the King Finishing permit because Georgia EPD did not use a mailing list as one of several means of providing public notice of the draft permit. Finally, Sierra Club sought to require EPA to object to the Monroe Power permit based on allegations that the permit contains inadequate monitoring requirements for carbon monoxide ("CO") emissions from two combustion turbines. The permit relies on continuous monitoring of nitrogen

<sup>1</sup> EPA published notice of the orders at 67 FR 69739, 69740 (November 19, 2002), and at 67 FR 79610, 79611 (December 30, 2002). The orders are available at: <http://www.epa.gov/region07/programs/artd/air/title5/petitiondb/petitiondb2001.htm>.