Dated: August 10, 2004.

Wayne Nastri,

Regional Administrator, Region IX.

[FR Doc. 04–18771 Filed 8–16–04; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7800–7]

Notice of Proposed Administrative Consent Agreement and Final Order Pursuant to Section 309(g)(4) of the Clean Water Act: In the Matter of E.J. Mahoney Construction

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 309(g)(4)(A) of the Clean Water Act, (''CWA''), 33 U.S.C. 1319(g)(4)(A), notice is hereby given of a proposed Consent Agreement and Final Order (''CA/FO''), which resolves penalties for alleged violations of sections 301(a) of the CWA, 33 U.S.C. 1311(a). The respondent to the CA/FO is E.J. Mahoney Construction (''Respondent''). Through the proposed CA/FO, Respondent will pay $3,000 as a penalty for alleged violations involving its failure to obtain coverage under either a CWA National Pollutant Discharge Elimination System (NPDES) individual permit, or the NPDES General Permit #NVR10000I for Storm Water Discharges From Construction Activities for Indian Country within the State of Nevada (the ''NPDES Construction General Permit''), prior to engaging in construction activity associated with development of the Deer Lodge Park residential subdivision located on individual Indian allotment land in Douglas County, Nevada.

DATES: For 30 days following the date of publication of this notice, the Agency will receive written comments relating to the proposed CA/FO.

ADDRESSES: Requests for copies of the proposed CA/FO should be addressed to: Richard Campbell, Attorney Advisor, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, Mailcode: ORC–2, San Francisco, CA 94105.

Comments regarding the proposed CA/FO should be addressed to: Danielle Carr, Regional Hearing Clerk, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Comments should reference the following information:

Case Name: In the Matter of E.J. Mahoney Construction.

Docket Number: CWA–9–2004–0003.

FOR FURTHER INFORMATION CONTACT: Richard Campbell at the above address or by telephone at (415) 972–3870, or by e-mail at *campbell.rich@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Respondent E.J. Mahoney Construction is an ''operator'', as that term is defined at 40 CFR part 122, in control of day to day construction activities at the Deer Lodge Park residential subdivision. Construction activities associated with development of the Deer Lodge Park residential subdivision were unpermitted under either an individual NPDES permit or a NPDES Construction General Permit for six months in 2003. During this period, construction activity at the Deer Lodge Park site involved grading of roads, installation of a water tank, and installation of a well site. Storm water from the Deer Lodge Park construction site drains to a tributary of the East Fork Carson River. Pursuant to the proposed CA/FO, Respondent has consented to the assessment of a $3,000 penalty in this matter, and has certified that it will obtain coverage under a NPDES permit for construction activities at Deer Lodge Park.

II. General Procedural Information

Any person who comments on the proposed CA/FO shall be given notice of any hearing held and a reasonable opportunity to be heard and to present evidence. If no hearing is held regarding comments received, any person commenting on this proposed CA/FO may, within 30 days after the issuance of the final order, petition the Agency to set aside the CA/FO, as provided by section 309(g)(4)(C) of the CWA, 33 U.S.C. 1319(g)(4)(C). Procedures by which the public may submit written comments or participate in the proceedings are described in the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits, 40 CFR part 22.

Dated: July 28, 2004.

Alexis Strauss,

Director, Water Division, Region IX.

[FR Doc. 04–18782 Filed 8–16–04; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[CCB/CPD 97–39, 97–41, DA 04–2474]

Petitions for Waiver of 6.5 Percent Price Cap Local Exchange Carrier X-Factor

AGENCY: Federal Communications Commission.

ACTION: Notice, termination of proceeding.

SUMMARY: This document provides notice of the termination of the petitions for waiver of the 6.5 percent productivity-based ''X-factor'' for price cap local exchange carriers adopted by the Commission in a 1997 order. The petitions for waiver have been withdrawn by the petitioners.

DATES: Effective September 16, 2004, unless the Wireline Competition Bureau receives an opposition to the termination prior to that date.

ADDRESSES: Oppositions to the proceeding termination should be mailed to the Commission's Secretary through the Commission's contractor, Natek, Inc., at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002.

FOR FURTHER INFORMATION CONTACT: Jennifer McKee, Wireline Competition Bureau, Pricing Policy Division, (202) 418–1530.

SUPPLEMENTARY INFORMATION: On July 14, 1997, Citizens Utilities Company (Citizens) filed an emergency petition for waiver of the Commission's rules requiring it to apply a productivity X-factor of 6.5 percent under the price cap rules as established in the *1997 Price Cap Review Order*, 62 FR 31939, June 11, 1997. On August 13, 1997, the Southern New England Telephone Company (SNET) also filed a petition for waiver and/or amendment of the Commission's rules establishing a 6.5 percent productivity X-factor. On October 7, 2003, SBC, SNET's parent company, filed a request to withdraw its petition. On August 2, 2004, Citizens filed a request to withdraw its petition. The Citizens Petition and the SNET Petition are dismissed without prejudice. Since the filing of the Citizens Petition and the SNET Petition, the Commission has revised its rules regarding the 6.5 percent productivity X-factor. The changes to the Commission's X-factor rules and the passage of time have mooted the issues raised in the Citizens Petition and the SNET Petition. Therefore, these proceedings will be terminated effective 30 days after publication of this Public Notice in the **Federal Register**, unless

the Wireline Competition Bureau receives an opposition to the terminations before that date.

Parties filing oppositions to the termination of these proceedings must file an original and four copies of each filing. The filings should reference CCB/CPD File No. 97–39 for the Citizens Petition, and CCB/CPD File No. 97–41 for the SNET Petition. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002.

- The filing hours at this location are 8 a.m. to 7 p.m.
- All hand deliveries must be held together with rubber bands or fasteners.
- Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW., Washington, DC 20554.

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, Room TW–A325, 445 12th Street, SW., Washington, DC 20554. Parties should also send a copy of their filings to Jennifer McKee, Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, Room 5–A263, 445 12th Street, SW., Washington, DC 20554, or by e-mail to *jennifer.mckee@fcc.gov*. Parties shall also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, (202) 488–5300, or via e-mail to *fcc@bcpiweb.com*.

Authority: 47 U.S.C. 152, 154, 155, 303; 47 CFR 0.291, 1.749.

Federal Communications Commission.

Jeffrey J. Carlisle,

Acting Chief, Wireline Competition Bureau.

[FR Doc. 04–18803 Filed 8–16–04; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket Nos. 94–1, 96–262; DA 04–2475]

Reconsideration of 1997 Price Cap Review Order

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document requests that parties that filed petitions for reconsideration of a 1997 Commission order adopting rules applicable to price cap local exchange carriers file supplemental notices indicating whether they wish to pursue any issues in those petitions. Subsequent rule changes may have mooted the issues in those petitions for reconsideration. To the extent parties do not indicate an intent to pursue their respective petitions for reconsideration, the Commission will consider such petitions withdrawn and will dismiss them.

DATES: Comments due September 16, 2004, and reply comments due Ocrober 18, 2004.

ADDRESSES: Filings should be mailed to the Commission's Secretary through the Commission's contractor, Natek, Inc., at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002.

FOR FURTHER INFORMATION CONTACT: Jennifer McKee, Wireline Competition Bureau, Pricing Policy Division, (202) 418–1530, *jennifer.mckee@fcc.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to the Commission's rules governing petitions for reconsideration, 47 CFR 1.106, the Wireline Competition Bureau (the Bureau) invites interested parties to update the record pertaining to petitions for reconsideration filed with respect to the *1997 Price Cap Review Order,* 62 FR 31939, June 11, 1997.

On May 21, 1997, the Commission released the *1997 Price Cap Review Order,* which established a 6.5 percent productivity-based X-factor and eliminated the sharing requirements in the Commission's price cap rules. Several parties filed petitions for reconsideration of that order. Since then the rules adopted in the *1997 Price Cap Review Order* have been the subject of both litigation and additional orders, including the *CALLS Order,* 65 FR 38684, June 21, 2000. Issues raised in the pending petitions for reconsideration may therefore have become moot or irrelevant. As a result, it is not clear what issues arising out of the *1997 Price Cap Review Order,* if any, remain in dispute. Moreover, because the *CALLS Order* arose out of a voluntary proposal representing a large consensus in the industry, the earlier concerns raised by the petitions for reconsideration already may have been addressed. Finally, because the petitions for reconsideration were filed several years ago, the passage of time and intervening developments may have rendered the records developed by those petitions stale.

For these reasons, the Bureau requests that parties that filed petitions for reconsideration of the *1997 Price Cap Review Order* now file a supplemental notice indicating those issues that they still wish to be reconsidered. In addition, parties may refresh the record with any new information or arguments that they believe to be relevant to deciding such issues. To the extent parties do not indicate an intent to pursue their respective petitions for reconsideration, the Commission will deem such petitions withdrawn and will dismiss them. The refreshed record will enable the Commission to undertake appropriate reconsideration of its price cap and access charge rules.

Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments on or before September 16, 2004, and reply comments on or before October 18, 2004. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. Comments filed through the ECFS can be sent as an electronic file via the Internet to *http://www.fcc.gov/cgb/ecfs/*. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of the proceeding, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number, in this case, CC Docket Nos. 94–1 and 96–262. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to *ecfs@fcc.gov,* and should include the following words in the body of the message, ''get form.'' A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.