

conditions of Subsection No. 39.3.1 of its Tariff.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

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

[FR Doc. E4-2643 Filed 10-14-04; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER98-855-004]

#### Wisconsin Electric Power Company; Notice of Compliance Filing

September 30, 2004.

Take notice that, on September 27, 2004, Wisconsin Electric Power

Company (Wisconsin Electric) submitted a compliance filing pursuant to the Commission's Order Implementing New Generation Market Power Analysis and Mitigation Procedures, issued on May 13, 2004, in Docket No. ER02-1406-001, *et al.*

Wisconsin Electric states that copies of the filing were served on parties on the official service list in Docket Nos. ER98-855-002 and 003.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all parties to this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

*Comment Date:* 5 pm Eastern Time on October 18, 2004.

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

[FR Doc. E4-2612 Filed 10-14-04; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP04-360-000]

#### Maritimes and Northeast Pipeline, L.L.C.; Notice of Telephone Technical Conference

October 6, 2004.

In an order issued on July 29, 2004,<sup>1</sup> the Commission directed staff to convene a technical conference to discuss Maritimes and Northeast Pipeline, L.L.C.'s proposed non-rate modifications to its tariff including, but not limited to, revisions to the fuel retainage percentage, revisions to the right of first refusal, and the proposed action alert. The technical conference was held on September 22, 2004.

A telephone technical conference will be held on Wednesday, October 13, 2004, beginning at 10 a.m. (EST) to further discuss issues concerning Maritimes' proposed modifications to its right of first refusal procedures, action alert, and accounting for its fuel tracker. The telephone number for the conference is 888-412-7888. The code is 2360313.

All interested parties and staff are permitted to call in. For further information please contact: David Faerberg at (202) 502-8275 or e-mail [david.fajerberg@ferc.gov](mailto:david.fajerberg@ferc.gov).

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

[FR Doc. E4-2614 Filed 10-14-04; 8:45 am]

**BILLING CODE 6717-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7828-1]

### 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 agreement, to address consolidated lawsuits filed by the Sierra Club. *Sierra Club v. Leavitt*, Nos. 1:02CV00946, 1:02CV00947 and 1:03CV02410 (D. D.C.). In May 2002 and November 2003, Sierra Club filed

<sup>1</sup> *Maritimes and Northeast Pipeline, L.L.C.*, 108 FERC ¶ 61,087 (2004).

lawsuits against EPA claiming that EPA had failed to carry out mandatory duties imposed by sections 112(d)(6) and 112(f)(2)(A) of the Act with respect to coke oven batteries and dry cleaners. Specifically, the complaints alleged that EPA had failed to determine within the deadlines established by the Act whether or not to revise technology-based standards issued for these source categories pursuant to sections 112(d)(8)(A) and 112(d)(2) to adopt more stringent technology-based standards or more stringent risk-based standards. Under the terms of the proposed consent decree, by March 31, 2005, EPA must make a final determination whether or not to amend the emission standards for coke oven batteries, and by April 28, 2006, EPA must make a final determination whether or not to amend the emission standards for dry cleaning facilities.

**DATES:** Written comments on the proposed consent decree must be received by November 15, 2004.

**ADDRESSES:** Submit your comments, identified by docket ID number OGC-2004-0009, 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:** Steven Silverman, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. telephone: (202) 564-5523.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Additional Information About the Proposed Consent Decree**

The proposed consent decree addresses lawsuits alleging that EPA failed to carry out its mandatory duties under section 112(d)(6) and 112(f)(2) to determine whether or not to revise the so-called MACT ("maximum achievable control technology") standards for coke oven batteries and for dry cleaners by the deadlines established by the Act. Section 112(d)(6) requires that EPA

periodically review and revise as necessary, taking into account developments in practices, processes, and control technologies, MACT standards issued pursuant to section 112(d). Section 112(f)(2) requires that EPA evaluate on a prescribed schedule whether risks to human health or the environment remaining after promulgation of a MACT standard warrant revision of that standard.

Under the proposed consent decree EPA will conduct a rulemaking to review, and to revise as necessary the existing emission standards for coke oven batteries. (These are MACT standards established pursuant to section 112(d)(8)(A) of the Act.) The rulemaking will address determinations under both section 112(d)(6) and 112(f)(2). No later than March 31, 2005, EPA shall sign a final rule revising the emission standards for coke oven batteries or make a final determination that such standards are not required. (EPA has in fact proposed to amend the MACT standards for coke oven batteries and now is accepting comment on that proposal. See 69 FR 48337 (August 9, 2004.))

The proposed consent decree also requires that EPA will conduct a rulemaking to review, and to revise as necessary the existing emission standards for dry cleaning facilities. (These are MACT standards issued pursuant to section 112(d)(2) of the Act.) The rulemaking will address determinations under both section 112(d)(6) and 112(f)(2). No later than April 28, 2006, EPA shall sign a final rule revising emission standards for dry cleaning facilities or make a final determination that such standards are not required.

For a period of thirty (30) days following the date of publication of this notice, the Agency will accept 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 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 consent decree should be withdrawn, the terms of the decree will be affirmed.

##### **II. Additional Information About Commenting on the Proposed Consent Decree**

###### *A. How Can I Get a Copy of the Consent Decree?*

EPA has established an official public docket for this action under Docket ID No. OGC-2004-0009 which contains a copy of the consent decree. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OEI Docket is (202) 566-1752.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the appropriate docket identification number.

It is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in EPA's electronic public docket. EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

###### *B. How and To Whom Do I Submit Comments?*

You may submit comments as provided in the **ADDRESSES** section. Please ensure that your comments are submitted within the specified comment

period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment and with any disk or CD ROM you submit. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment. In contrast to EPA's electronic public docket, EPA's electronic mail (e-mail) system is not an "anonymous access" system. If you send an e-mail comment directly to the Docket without going through EPA's electronic public docket, your e-mail address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

Dated: October 1, 2004.

**Lisa K. Friedman,**

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

[FR Doc. 04-23154 Filed 10-14-04; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-6656-6]

### Environmental Impact Statements; Notice of Availability

*Responsible Agency:* Office of Federal Activities, General Information (202) 564-7167 or <http://www.epa.gov/compliance/nepa/>

Weekly receipt of Environmental Impact Statements Filed October 4, 2004

Through October 8, 2004 Pursuant to 40 CFR 1506.9.

*EIS No. 040477, Final EIS, AFS, ID,* North Sheep Allotments—Sheep and Goat Allotment Management Plans, To Authorize Continued Sheep Grazing for Fisher Creek, Smiley Creek, North Fork-Boulder and Baker Creek Sheep and Goat Grazing Allotments, Sawtooth National Forest, Ketchum Ranger District, Sawtooth National Recreation Area, Blaine and Custer Counties, ID, Wait Period Ends: November 15, 2004, Contact: Carol Brown (208) 727-5000.

*EIS No. 040478, Draft EIS, FAA, PA,* Philadelphia International Airport Project, Proposed Runway 17-35 Extension Project, Funding, NPDES Permit and U.S. Army COE Section 404 Permit, Philadelphia, PA, Comment Period Ends: November 29, 2004, Contact: Susan McDonald (717) 730-2833.

*EIS No. 040479, Revised Draft EIS, JUS, AZ,* Programmatic EIS—Office of Border Patrol Operational Activities within the Border Areas of the Tucson and Yuma Sectors, Expansion of Operations of Technology-Based Systems, Completion and Maintenance of Approved Infrastructure, Cochise, Pima, Santa Cruz, and Yuma Counties, AZ, Comment Period Ends: November 29, 2004, Contact: Mark Doles (817) 886-6499.

*EIS No. 040480, Final EIS, USA, UT,* Activities Associated with Future Programs at U.S. Army Dugway Proving Ground, Implementation, Tooele and Jaub Counties, UT, Wait Period Ends: November 15, 2004, Contact: Nicholas J. Cavallaro (410) 278-1084.

*EIS No. 040481, Draft Supplement, AFS, AK,* Emerald Bay Timber Sale, Implementation, Additional Information on the Potential Effects of the Project Alternatives, Ketchikan-Misty Fiords Ranger District, Tongass National Forest, AK, Comment Period Ends: November 29, 2004, Contact: John Natvig (605) 720-7710.

*EIS No. 040482, Draft EIS, FHW, PA,* U.S. 219 Improvements Project, Meyersdale to Somerset, SR 6219, Section 020, Funding, U.S. COE Section 404 Permit, Somerset County, PA, Comment Period Ends: November 30, 2004, Contact: James A. Cheatham (717) 221-3461.

*EIS No. 040483, Final EIS, FHW, MO,* MO-17 Transportation Improvement Project, South of Route O to South of Howell County Line Bridge Replacement with Approaches, Funding, U.S. COE Section 404

Permit, Shannon, Texas, and Howell Counties, MO, Wait Period Ends: November 15, 2004, Contact: Don Neumann (573) 636-7104.

*EIS No. 040484, Draft EIS, NIH, TX,* Galveston National Laboratory for Biodefense and Emerging Infectious Diseases Research Facility at the University of Texas Medical Branch, Construction, Partial Funding, Grant, Galveston, TX, Comment Period Ends: December 17, 2004, Contact: Valerie Nottingham (301) 496-7775.

*EIS No. 040485, Draft EIS, AFS, CO,* Vail Valley Forest Health Project, Proposal Landscape-Scale Vegetation Management and Fuels Reduction, White River National Forest, Holy Cross Ranger District, Eagle County, CO, Comment Period Ends: November 29, 2004, Contact: Peech Keller (970) 468-5400.

Dated: October 12, 2004.

**Ken Mittelholtz,**

*Environmental Protection Specialist, Office of Federal Activities.*

[FR Doc. 04-23152 Filed 10-14-04; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-6656-7]

### Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act, as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564-7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 2, 2004 (69 FR 17403).

#### Draft EISs

ERP No. D-COE-K36140-CA Rating LO, Prado Basin Water Supply Feasibility Study, To Increase Conservation of Surplus Water at Prado Dam and Flood Control Basin, Orange County Water District, Orange, Riverside, and San Bernardino Counties, CA.

*Summary:* EPA supports the selection of Alternative 2 as the preferred alternative and recommended consideration of additional mitigation measures for habitat impacts.

ERP No. D-FRC-G03022-LA Rating EC2, Sabine Pass Liquefied Natural Gas (LNG) and Pipeline Project,