S 67°22′07″ E a distance of 182.93 feet,
N 07°11′27″ W a distance of 21.98 feet;
Thence a distance of 90.82 feet along a curve to the right having a radius of 343.24 feet and a chord bearing of N 01°18′15″ E and a distance of 90.55 feet; thence N 14°53′17″ E a distance of 400.64 feet to a concrete monument 00–Y–164 having coordinates of N=610,246.3352 and E=2,486,234.5124;
Thence N 41°03′52″ W a distance of 189.93 feet to the south side of Midway Turnpike; thence with the south side of Midway Turnpike, N 62°17′33″ E a distance of 109.31 feet;
Thence a distance of 84.23 feet along a curve to the left having a radius of 220.04 feet and a chord bearing of N 53°22′36″ E and a distance of 83.72 feet; thence N 42°24′37″ E a distance of 55.09 feet;
Thence a distance of 52.98 feet along a curve to the right having a radius of 104.83 feet and a chord bearing N 56°53′20″ E and a distance of 52.42 feet; thence N 71°22′04″ E a distance of 57.71 feet;
Thence a distance of 68.12 feet along a curve to the left having a radius of 109.69 feet and a chord bearing of N 53°34′39″ E and a distance of 67.03 feet; thence N 36°34′16″ E a distance of 62.79 feet;
Thence a distance of 164.30 feet along a curve to the right having a radius of 164.16 feet and a chord bearing of N 66°37′43″ E and a distance of 157.53 feet; thence a distance of 127.85 feet along a curve to the left having a radius of 110.10 feet and a chord bearing of
N 64°41′34″ E a distance of 120.79 feet,
N 31°29′41″ E a distance of 146.26 feet;
Thence a distance of 125.97 feet along a curve to the right having a radius of 136.27 feet and a chord bearing of N 57°58′42″ E a distance of 121.53 feet;
N 84°27′43″ E a distance of 41.81 feet;
Thence a distance of 222.36 feet along a curve to the left having a radius of 283.62 feet and a chord bearing of N 62°00′08″ E a distance of 216.70 feet;
N 39°32′32″ E a distance of 21.09 feet;
Thence a distance of 148.42 feet along a curve to the right having a radius of 144.69 feet and a chord bearing of N 68°55′47″ E a distance of 141.99 feet;
S 81°40′59″ E a distance of 126.15 feet;
Thence a distance of 196.21 feet along a curve to the left having a radius of 453.57 feet and a chord bearing of N 85°55′28″ E a distance of 194.68 feet;
N 70°37′33″ E distance of 150.03 feet;
Thence leaving said south side of Midway Turnpike S 34°14′27″ East a distance of 1339.32 feet to the Point of Beginning, and containing 81.33 acres, more or less.

Exclusion Area No. 2

Beginning at concrete monument 00–Y–166 having coordinates of N=608,866.1167 and E=2,491,528.3694, said point being S 53°08′ East a distance of 1175 feet from the centerline intersection of Second Street and Scarboro Road; thence along the following bearings and distances running 5 feet outside and parallel to a chain link fence to a point located by iron pins at each of the calls:
S 11°57′51″ E a distance of 190.83 feet,
S 20°58′39″ W a distance of 162.04 feet,
N 82°41′43″ W a distance of 326.09 feet,
N 20°55′08″ W a distance of 161.87 feet,
N 70°55′21″ W a distance of 256.95 feet,
N 21°25′10″ E a distance of 138.58 feet,
S 70°56′19″ E a distance of 255.01 feet,
N 29°13′41″ E a distance of 153.55 feet,
N 36°55′00″ E a distance of 77.89 feet to concrete monument 00–Y–165 set having coordinates of N=609,046.7759 and E=2,491,299.2370;
Thence S 51°44′46″ E a distance of 291.79 feet to the Point of Beginning, said parcel containing 4.36 acres, more or less.
The net area included within the boundary to be posted for 229 security purposes is 3,017.81 acres, more or less.

[FR Doc. 04–24939 Filed 11–8–04; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL05–19–000]

Golden Spread Electric Cooperative, Inc., Lyntegar Electric Cooperative, Inc., Farmers' Electric Cooperative, Inc., Lea County Electric Cooperative, Inc., Central Valley Electric Cooperative, Inc., Roosevelt County Electric Cooperative, Inc., Complainants v. Southwestern Public Service Company, Respondent; Notice of Complaint

November 3, 2004.

Take notice that on November 2, 2004, Golden Spread Electric Cooperative, Inc. (Golden Spread) Lyntegar Electric Cooperative, Inc., Farmers' Electric Cooperative, Inc., Lea County Electric Cooperative, Inc., Central Valley Electric Cooperative, Inc., and Roosevelt County Electric Cooperative, Inc. (collectively referred to as the Cooperative Customer Group) filed a Complaint Requesting Investigation and Hearing of Cost-Based Rates and Fuel Adjustment Clause Charges, and Establishment of Refund Effective Date against Respondent against Southwestern Public Service Company (SPS). The Cooperative Customer Group states that (1) SPS' cost-based rates for full and partial requirements service are excessive, are not just and reasonable and are unduly discriminatory or preferential; and (2) SPS has historically and continues to violate the applicable fuel charge adjustment clause (FCAC) provisions of the FERC-filed rate schedules applicable to each of its customers, and the Commission's FCAC Regulations.

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. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

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,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. eastern time on December 2, 2004.

Linda Mitry,

Deputy Secretary.

[FR Doc. E4–3077 Filed 11–8–04; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[Regional Docket Nos. II–2002–05, –06, –11; FRL–7835–8]

Clean Air Act Operating Permit Program; Petitions for Objection to State Operating Permits for the Keyspan Generation Far Rockaway Station, Motiva Enterprises, LLC, and the New York City Department of Environmental Protection North River Water Pollution Control Plant

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final orders, addressing three State operating permits.

SUMMARY: This document announces that the EPA Administrator has addressed four citizen petitions asking

EPA to object to operating permits issued to three facilities by the New York State Department of Environmental Conservation (NYSDEC). Specifically, the Administrator has partially granted and partially denied three petitions submitted by the New York Public Interest Research Group (NYPIRG) to object to the state operating permits issued to the Keyspan Generation Far Rockaway Station, Motiva Enterprises, LLC, and the New York City Department of Environmental Protection (NYCDEP) North River Water Pollution Control Plant. Additionally, the Administrator has partially granted and partially denied a petition submitted by the NYCDEP, requesting our objection to its own operating permit for the North River plant. Pursuant to section 505(b)(2) of the Clean Air Act (Act), petitioners 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 Office, 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 are available electronically at: *http://www.epa.gov/region07/programs/artd/air/title5/petitiondb/petitiondb2002.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. Keyspan

On July 5, 2002, the EPA received a petition from NYPIRG, requesting that EPA object to the issuance of the title V operating permit for the Keyspan Generation Far Rockaway Station. On September 24, 2004, the Administrator issued an order partially granting and partially denying the Keyspan petition. The order explains the reasons behind EPA's conclusion that the NYSDEC must determine whether to retain or delete a condition relating to burning waste-oil in the utility boiler. If this condition is to be retained, the NYSDEC must incorporate additional requirements, and discuss applicability in the corresponding Permit Review Report. The order also explains EPA's reasons for denying NYPIRG's remaining claims.

II. Motiva

On May 23, 2002, the EPA received a petition from NYPIRG, requesting that EPA object to the issuance of the title V operating permit for Motiva Enterprises, LLC. On September 24, 2004, the Administrator issued an order partially granting and partially denying the Motiva petition. The order explains the reasons behind EPA's conclusion that the NYSDEC must: (1) Provide information on the methods used in creating the emission statement; (2) prescribe opacity monitoring for the Vapor Recovery Unit; (3) include additional requirements that are applicable to bulk gasoline terminals; (4) state that reporting is due semi-annually for the facility's average daily gasoline throughput; (5) specify which type of control is in place at the Fixed Roof storage tanks; (6) specify that a record will be generated whenever activities pertaining to the replacement of any liquid mounted seal are performed; (7) state that facility is subject to a gasoline throughput limit of 526,900,000 gallons/yr; and (8) reference emission calculations together with any applicable technical basis. The order also explains EPA's reasons for denying NYPIRG's remaining claims.

III. North River

On October 1 and 4, 2002, the EPA received petitions from NYPIRG and the NYCDEP, requesting that EPA object to the issuance of the title V operating permit for the NYCDEP North River Water Pollution Control Plant. On September 24, 2004, the Administrator issued an order partially granting and partially denying both North River petitions. The order explains the reasons behind EPA's conclusion that the NYSDEC must reopen the permit to: (1) Move the hydrogen sulfide requirements to the state-only enforceable portion of the permit; (2) include requirements for exempt activities where applicable; (3) require annual certification of federally enforceable terms as directed by EPA; (4) include the SIP ''excuse'' provision codified at 6 NYCRR section 201.5(e); (5) include additional monitoring for NO_X from the engines; (6) specify the degree of air cleaning required by 6 NYCRR section 212.4(a) for the wastewater, sludge and miscellaneous processes, and include appropriate monitoring; and (7) clarify the applicability of 6 NYCRR section 230.2 and include appropriate permit conditions. In addition, several issues require the NYSDEC to provide a revised statement of basis that: (1) Explains how the sulfur in fuel monitoring is consistent with the city's contract; (2) clarifies the rationale for including multiple monitoring requirements for opacity from the engines; (3) clarifies the applicability of exempt and trivial activities as well as the general opacity regulation; (4) explains its reasons for concluding the facility is a non-industrial POTW; and (5) clarifies the applicability of CAA section 112(r). The order also explains EPA's reasons for denying the petitioners' remaining claims.

Dated: November 1, 2004.

Jane M. Kenny,

Regional Administrator, Region 2.

[FR Doc. 04–24923 Filed 11–8–04; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRC–7835–1]

Notice of Disclosure of Confidential Business Information Obtained Under the Comprehensive Environmental Response, Compensation and Liability Act to EPA Contractor Techlaw, Incorporated and its Subcontractors

AGENCY: Environmental Protection Agency.

ACTION: Notice, request for comment.

SUMMARY: The U.S. Environmental Protection Agency (''EPA'') hereby complies with the requirements of 40 CFR 2.310(h) for authorization to disclose to TechLaw, Inc. of San Francisco, California, and its subcontractors, Superfund confidential business information (''CBI'') submitted to EPA Region 9.

DATES: Comments may be submitted by November 24, 2004.