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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Meeting, Notice of Vote, Explanation of Action Closing Meeting and List of Persons To Attend

November 10, 2004.

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. 94-409), 5 U.S.C. 552b:

AGENCY: Federal Energy Regulatory Commission.

DATE AND TIME: November 18, 2004 (Within a relatively short time after the Commission's open meeting on November 18).

PLACE: Room 3M 4A/B, 888 First Street, NE., Washington, DC 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Non-Public Investigations and Inquiries, Enforcement Related Matters, and Security of Regulated Facilities.

FOR FURTHER INFORMATION CONTACT: Magalie R. Salas, Secretary, Telephone (202) 502-8400.

Chairman Wood and Commissioners Brownell, Kelliher, and Kelly voted to hold a closed meeting on November 18, 2004. The certification of the General Counsel explaining the action closing the meeting is available for public inspection in the Commission's Public Reference Room at 888 First Street, NE., Washington, DC 20426.

The Chairman and the Commissioners, their assistants, the Commission's Secretary and her assistant, the General Counsel and members of her staff, and a stenographer are expected to attend the meeting. Other staff members from the Commission's program offices who will advise the Commissioners in the matters discussed will also be present.

Linda Mitry,
Deputy Secretary.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7838-4]

Proposed Settlement Agreement, Clean Air Act Citizen Suit

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 a lawsuit filed by Louisiana Environmental Action Network ("LEAN"): *LEAN v. Leavitt*, 04-CV-370 (M.D. La.). On or about June 4, 2004, LEAN filed a complaint alleging that LEAN had submitted a petition to EPA seeking an objection to permits issued by Louisiana's Department of Environmental Quality to Dow Chemical Company for two plants located in Plaquemine, Louisiana, and that the Administrator has failed to perform his nondiscretionary duty to respond to the petition within sixty days of the date it was filed. Under the terms of the proposed settlement agreement, EPA has agreed to respond to the petition by December 22, 2004, and LEAN has agreed to dismiss its suit with prejudice. In addition, under the proposed settlement, EPA would pay LEAN \$1641.50 in settlement of its claims for attorneys' fees in this matter. **DATES:** Written comments on the proposed settlement agreement must be received by December 17, 2004.

ADDRESSES: Submit your comments, identified by docket ID number OGC-2004-0010, online at <http://www.epa.gov/edocket> (EPA's preferred method); by e-mail to 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: David Orlin, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection

Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460, telephone: (202) 564-1222.

SUPPLEMENTARY INFORMATION:

I. Additional Information About the Proposed Settlement

This settlement would resolve a lawsuit seeking a response to a petition to object to Title V permits issued by Louisiana's Department of Environmental Quality to Dow Chemical for modifications to Dow's Cellulose plant (permit 2227-V2) and Light Hydrocarbon plant (permit 2024-V2), which are located in Plaquemine, Louisiana. Under the proposed settlement, the parties would seek to stay the pending litigation, and LEAN would dismiss its lawsuit if the Administrator issues a response to the petition by December 22, 2004. The settlement does not require the Administrator to respond to the petition in any particular way. If the settlement becomes final and the Administrator issues a response to the petition by December 22, 2004, then EPA will pay LEAN \$1641.50 in settlement of LEAN's claims for attorneys' fees.

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 settlement agreement 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 settlement agreement 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 settlement agreement should be withdrawn, the terms of the agreement will be affirmed.

II. Additional Information About Commenting on the Proposed Settlement

A. How Can I Get a Copy of the Settlement?

EPA has established an official public docket for this action under Docket ID No. OGC-2004-0010 which contains a copy of the settlement. 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