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Linda Mitry,

Deputy Secretary.

[FR Doc. E4-3192 Filed 11-16-04; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Notice

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 HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: November 18, 2004, 10 a.m.

PLACE: Room 2C, 888 First Street, NE., Washington DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

***Note**—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Magalie R. Salas, Secretary, Telephone (202) 502-8400. For a recorded listing of items stricken from or added to the meeting, call (202) 502-8627.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Public Reference Room.

874th—Meeting Regular Meeting November 18, 2004 10 a.m.

Administrative Agenda

A-1.

AD02-1-000, Agency Administrative Matters

A-2.

AD02-7-000, Customer Matters, Reliability, Security and Market Operations

A-3.

2004-2005, Winter Energy Market Assessment

Markets, Tariffs, and Rates—Electric

E-1.

OMITTED

E-2.

OMITTED

E-3.

ER04-1252-000, Midwest Independent Transmission System, Inc. and Ameren Services Company

E-4.

ER05-6-000, Midwest Independent Transmission System Operator, Inc.
EL02-111-010, Midwest Independent Transmission System Operator, Inc., and PJM Interconnection, LLC, *et al.*

EL02-111-011, Midwest Independent Transmission System Operator, Inc., and PJM Interconnection, LLC, *et al.*

EL02-111-014, Midwest Independent Transmission System Operator, Inc., and PJM Interconnection, LLC, *et al.*

EL02-111-015, Midwest Independent Transmission System Operator, Inc., and PJM Interconnection, LLC, *et al.*

EL02-111-016, Midwest Independent Transmission System Operator, Inc., and PJM Interconnection, LLC, *et al.*

EL02-111-019, Midwest Independent Transmission System Operator, Inc., and PJM Interconnection, LLC, *et al.*

EL04-135-000, Midwest Independent Transmission System Operator, Inc., and PJM Interconnection, LLC, *et al.*

EL03-212-005, Ameren Services Company, *et al.*

EL03-212-006, Ameren Services Company, *et al.*

EL03-212-007, Ameren Services Company, *et al.*

EL03-212-009, Ameren Services Company, *et al.*

EL03-212-011, Ameren Services Company, *et al.*

EL03-212-013, Ameren Services Company, *et al.*

EL03-212-014, Ameren Services Company, *et al.*

EL03-212-016, Ameren Services Company, *et al.*

E-5.

ER03-262-016, New PJM Companies American Electric Power Service Corp. On behalf of its operating companies Appalachian Power Company, Columbus Southern Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company, and Wheeling Power Company
Commonwealth Edison Company, and Commonwealth Edison Company of Indiana, Inc.
The Dayton Power and Light Company, and PJM Interconnection, LLC

ER03-262-010, New PJM Companies American Electric Power Service Corp. On behalf of its operating companies Appalachian Power Company, Columbus Southern Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company, and Wheeling Power Company
Commonwealth Edison Company, and Commonwealth Edison Company of Indiana, Inc.
The Dayton Power and Light Company, and PJM Interconnection, LLC

ER03-262-016, New PJM Companies American Electric Power Service Corp.

On behalf of its operating companies Appalachian Power Company, Columbus Southern Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company, and Wheeling Power Company

Commonwealth Edison Company, and Commonwealth Edison Company of Indiana, Inc.

The Dayton Power and Light Company, and PJM Interconnection, LLC

EC98-40-010, New PJM Companies American Electric Power Service Corp. On behalf of its operating companies Appalachian Power Company, Columbus Southern Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company, and Wheeling Power Company
Commonwealth Edison Company, and Commonwealth Edison Company of Indiana, Inc.

The Dayton Power and Light Company, and PJM Interconnection, LLC

ER98-2770-011, New PJM Companies American Electric Power Service Corp. On behalf of its operating companies Appalachian Power Company, Columbus Southern Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company, and Wheeling Power Company
Commonwealth Edison Company, and Commonwealth Edison Company of Indiana, Inc.

The Dayton Power and Light Company, and PJM Interconnection, LLC

ER98-2786-011, New PJM Companies American Electric Power Service Corp. On behalf of its operating companies Appalachian Power Company, Columbus Southern Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company, and Wheeling Power Company
Commonwealth Edison Company, and Commonwealth Edison Company of Indiana, Inc.

The Dayton Power and Light Company, and PJM Interconnection, LLC

E-6.

OMITTED

E-7.

OMITTED

E-8.

OMITTED

E-9.

OMITTED

E-10.

ER04-1254-000, Illinois Power Company
ER04-1239-000, Midwest Independent Transmission System Operator, Inc.

E-11.

ER04-1244-000, NorthPoint Energy Solutions Inc.

E-12.

ER05-12-000, PJM Interconnection L.L.C.

E-13.

OMITTED

E-14.

ER05-26-000, Mirant Kendall, LLC and Mirant Americas Energy Marketing, L.P.
 E-15. OMITTED
 E-16. ER05-41-000, Oasis Power Partners, LLC
 E-17. EL04-128-000, Sulphur Springs Valley Electric Cooperative, Inc.
 E-18. ER98-3760-000, California Independent System Operator Corporation
 E-19. ER01-751-006, Mountain View Power Partners, LLC
 ER01-751-001, Mountain View Power Partners, LLC
 E-20. OMITTED
 E-21. ER01-1559-002, PPL Wallingford Energy LLC
 ER01-1559-003, PPL Wallingford Energy LLC
 E-22. OMITTED
 E-23. ER04-510-002, Central Vermont Public Service Corporation
 ER04-510-003, Central Vermont Public Service Corporation
 EL04-88-001, Central Vermont Public Service Corporation
 EL04-88-002, Central Vermont Public Service Corporation
 E-24. OMITTED
 E-25. QF92-156-006, Pasco Cogen, Ltd.
 EL04-140-000, Pasco Cogen, Ltd.
 E-26. EL04-90-000, Nevada Power Company
 E-27. EL04-120-000, Exelon Corporation
 E-28. OMITTED
 E-29. EL04-136-000, MGE Energy, Inc., MGE Power LLC, and MGE Power Elm Road LLC
 E-30. OMITTED
 E-31. EL04-137-000, Cabazon Wind Partners, LLC v. Southern California Edison Company
 E-32. EL04-126-000, PSEG Power In-City I, LLC v. Consolidated Edison Company of New York, Inc.
 E-33. EL04-139-000, California Electricity Oversight Board v. California Independent System Operator Corporation
 E-34. EL04-130-000, Duke Energy Moss Landing, LLC v. California Independent System Operator Corporation
 E-35. EL04-122-000, PPL University Park, LLC v. Commonwealth Edison Company
 E-36. EL03-27-000, Niagara Mohawk Power Corporation v. Huntley Power LLC, NRG Huntley Operations, Inc., Dunkirk Power

LLC, NRG Dunkirk Operations, Inc., Oswego Harbor Power LLC, and NRG Oswego Operations, Inc.
 E-37. EL04-100-000, Colorado River Commission of Nevada v. Nevada Power Company
 E-38. EL04-134-000, East Texas Electric Cooperative, Inc. v. Entergy Arkansas, Inc.
 E-39. OMITTED
 E-40. PL05-3-000, Order on Electric Creditworthiness
 E-41. OMITTED
 E-42. OMITTED
 E-43. ER04-132-000, Wolverine Power Supply Cooperative, Inc.
 EL04-38-000, Wolverine Power Supply Cooperative, Inc.
 E-44. ER03-606-000, Wisconsin Public Service Corp
 E-45. ER04-375-010, PJM Interconnection LLC
 ER04-521-006, Midwest Independent Transmission System Operator
 ER04-718-005, PJM Interconnection LLC and Commonwealth Edison Company
 ER04-364-002, Commonwealth Edison Company, Commonwealth Edison Company of Indiana, Inc., and American Electric Power Service Corporation
 E-46. ER04-446-002, Midwest Independent Transmission System Operator, Inc.
 E-47. ER04-14-000, Detroit Edison Company
 EL04-29-000, Detroit Edison Company
 E-48. ER04-215-000, Pacific Gas and Electric Company
 E-49. OMITTED
 E-50. ER03-405-001, PJM Interconnection L.L.C.
 ER03-405-002, PJM Interconnection L.L.C.
 ER03-405-003, PJM Interconnection L.L.C.
 E-51. EL03-216-001, Northeast Utilities Service Company and Select Energy, Inc., v. ISO New England Inc., and New England Power Pool
 E-52. ER04-375-007, Midwest Independent Transmission System Operator, Inc., and PJM Interconnection L.L.C.
 E-53. NJ04-3-001, South Carolina Public Service Authority
 E-54. ER04-35-001, Entergy Services, Inc
 ER04-35-002, Entergy Services, Inc
 E-55. ER03-194-003, PJM Interconnection L.L.C.
 ER03-309-003, Allegheny Power
 ER03-194-004, PJM Interconnection L.L.C.
 ER03-194-005, PJM Interconnection L.L.C.
 ER03-309-007, Allegheny Power
 E-56. OMITTED

E-57. EL00-95-100, San Diego Gas & Electric Company v. Sellers of Energy and Ancillary Services Into Markets Operated by the California Independent System Operator and the California Power Exchange
 EL00-98-088, Investigation of Practices of the California Independent System Operator and the California Power Exchange
 E-58. OMITTED
 E-59. ER03-872-004, Southern Company Services, Inc.
 ER05-13-000, Southern Company Services, Inc
 E-60. ER04-564-000, Wayne-White Counties Electric Cooperative
 E-61. ER03-600-003, Cross-Sound Cable Company, LLC
 ER03-600-002, Cross-Sound Cable Company, LLC
 ER03-600-004, Cross-Sound Cable Company, LLC

Miscellaneous Agenda

M-1. PL03-3-005, Price Index Monitoring and Use in Tariffs
 AD03-7-005, Natural Gas Price Formation
 ER03-1271-000, Aquila, Inc.
 CP03-7-000, Colorado Interstate Gas Company
 CP03-301-000, Colorado Interstate Gas Company
 CP03-302-000, Cheyenne Plains Gas Pipeline Company
 CP03-302-001, Cheyenne Plains Gas Pipeline Company
 CP03-302-002, Cheyenne Plains Gas Pipeline Company
 CP03-303-000, Cheyenne Plains Gas Pipeline Company
 CP03-304-000, Cheyenne Plains Gas Pipeline Company
 RP03-245-000, Kinder Morgan Interstate Gas Transmission LLC
 RP99-176-089, Natural Gas Pipeline Company of America
 RP99-176-094, Natural Gas Pipeline Company of America
 RP02-363-002, North Baja Pipeline, LLC
 RP03-533-000, Northern Natural Gas Company
 RP03-70-003, PG&E Gas Transmission, Northwest Corporation
 RP03-70-002, PG&E Gas Transmission, Northwest Corporation
 CP01-421-000, Portland General Electric Company
 CP01-421-001, Portland General Electric Company
 RP03-540-000, Transcontinental Gas Pipe Line Corporation
 ER04-439-001, PacifiCorp
 RP03-398-000, Northern Natural Gas Company
 CP01-418-000, B-R Pipeline Company

Markets, Tariffs, and Rates—Gas

G-1. RP04-97-003, Equitrans, L.P.
 RP04-203-001, Equitrans, L.P.

- RP04-203-002, Equitrans, L.P.
 RP04-97-001, Equitrans, L.P.
 RP04-97-005, Equitrans, L.P.
 CP05-18-000, Equitrans, L.P.
- G-2.
 RM05-2-000, Policy for Selective Discounting by Natural Gas Pipelines
- G-3.
 OR96-2-010, ARCO Products Co., a Division of Atlantic Richfield Company, Texaco Refining and Marketing Inc., and Mobil Oil Corporation v. SFPP
 OR96-10-007, ARCO Products Co., a Division of Atlantic Richfield Company, Texaco Refining and Marketing Inc., and Mobil Oil Corporation v. SFPP
 OR96-10-009, ARCO Products Co., a Division of Atlantic Richfield Company, Texaco Refining and Marketing Inc., and Mobil Oil Corporation v. SFPP
 OR98-1-009, ARCO Products Co., a Division of Atlantic Richfield Company, Texaco Refining and Marketing Inc., and Mobil Oil Corporation v. SFPP
 OR98-1-011, ARCO Products Co., a Division of Atlantic Richfield Company, Texaco Refining and Marketing Inc., and Mobil Oil Corporation v. SFPP
 OR00-4-002, ARCO Products Co., a Division of Atlantic Richfield Company, Texaco Refining and Marketing Inc., and Mobil Oil Corporation v. SFPP
 OR00-4-004, ARCO Products Co., a Division of Atlantic Richfield Company, Texaco Refining and Marketing Inc., and Mobil Oil Corporation v. SFPP
 OR92-2-003, Ultramar Diamond Shamrock Corporation, Ultramar, Inc. v. SFPP
 OR92-2-004, Ultramar Diamond Shamrock Corporation, Ultramar, Inc. v. SFPP
 OR96-15-008, Ultramar Diamond Shamrock Corporation, Ultramar, Inc. v. SFPP
 OR96-15-009, Ultramar Diamond Shamrock Corporation, Ultramar, Inc. v. SFPP
 OR96-17-004, Ultramar Diamond Shamrock Corporation, Ultramar, Inc. v. SFPP
 OR96-17-006, Ultramar Diamond Shamrock Corporation, Ultramar, Inc. v. SFPP
 OR97-2-004, Ultramar Diamond Shamrock Corporation, Ultramar, Inc. v. SFPP
 OR97-2-005, Ultramar Diamond Shamrock Corporation, Ultramar, Inc. v. SFPP
 OR98-2-005, Ultramar Diamond Shamrock Corporation, Ultramar, Inc. v. SFPP
 OR98-2-007, Ultramar Diamond Shamrock Corporation, Ultramar, Inc. v. SFPP
 OR00-8-005, Ultramar Diamond Shamrock Corporation, Ultramar, Inc. v. SFPP
 OR00-8-007, Ultramar Diamond Shamrock Corporation, Ultramar, Inc. v. SFPP
 OR98-13-005, Tosco Corporation v. SFPP
 OR98-13-007, Tosco Corporation v. SFPP
 OR00-9-005, Tosco Corporation v. SFPP
 OR00-9-007, Tosco Corporation v. SFPP
 OR00-7-005, Navajo Refining Corporation v. SFPP
 OR00-7-006, Navajo Refining Corporation v. SFPP
 OR00-10-005, Refinery Holding Company v. SFPP
 OR00-10-006, Refinery Holding Company v. SFPP
- IS98-1-001, SFPP, L.P.
 IS98-1-002, SFPP, L.P.
 OR92-8-024, SFPP, L.P.
 OR93-5-015, SFPP, L.P.
 OR94-3-014, SFPP, L.P.
 OR94-4-016, SFPP, L.P.
 OR95-5-013, Mobil Oil Corporation v. SFPP, L.P.
 OR95-34-012, Tosco Corporation v. SFPP, L.P.
- G-4.
 OMITTED
- G-5.
 RP05-29-000, Florida Gas Transmission Company
- G-6.
 RP04-25-002, Texas Eastern Transmission, L.P.
- G-7.
 RP97-13-011, East Tennessee Natural Gas, LLC
- G-8.
 OMITTED
- G-9.
 RP03-620-001, Portland Natural Gas Transmission System
 RP03-620-000, Portland Natural Gas Transmission System
- G-10.
 PR04-8-001, Arkansas Oklahoma Gas Corporation
- G-11.
 RP04-91-001, Questar Pipeline Company
 RP04-91-000, Questar Pipeline Company
 RP04-91-002, Questar Pipeline Company
- G-12.
 RP95-197-050, Transcontinental Gas Pipe Line Corporation
 RP97-71-041, Transcontinental Gas Pipe Line Corporation
- G-13.
 RP04-378-000, Gas Technology Institute
- G-14.
 TS04-283-000, Central New York Oil and Gas Company, LLC
 TS05-2-000, Energy West Development
 TS04-150-001, Granite State Gas Transmission, Inc.
 TS04-277-000, Green Mountain Power Corporation
 TS04-284-000, Ozark Gas Transmission, L.L.C.
 TS04-274-001, Shell Gas Transmission, L.L.C.
- G-15.
 RP04-254-000, City of Hamilton, Ohio v. Texas Eastern Transmission, L.P.
- G-16.
 RP00-332-009, ANR Pipeline Company
- G-17.
 RP04-405-001, Northern Natural Gas Company
- G-18.
 RP05-35-000, Transcontinental Gas Pipe Line Corporation
- Energy Projects—Hydro**
- H-1.
 P-516-388, South Carolina Electric & Gas Company
 P-516-394, South Carolina Electric & Gas Company
- H-2.
 P-11810-006, City of Augusta, Georgia
- H-3.
 P-2016-086, City of Tacoma, Washington
- H-4.
 P-2145-062, Public Utility District No. 1 of Chelan County, Washington
 P-943-089, Public Utility District No. 1 of Chelan County, Washington
 P-2149-113, Public Utility District No. 1 of Douglas County, Washington
- H-5.
 P-2436-187, Consumers Energy Company
 P-2448-186, Consumers Energy Company
 P-2452-162, Consumers Energy Company
 P-2447-178, Consumers Energy Company
 P-2449-160, Consumers Energy Company
 P-2450-158, Consumers Energy Company
 P-2451-154, Consumers Energy Company
 P-2453-186, Consumers Energy Company
 P-2468-160, Consumers Energy Company
 P-2580-216, Consumers Energy Company
 P-2599-178, Consumers Energy Company
- H-6.
 OMITTED
- H-7.
 P-2816-031, North Hartland, LLC
- H-8.
 P-2004-160, City of Holyoke Gas and Electric Department
- H-9.
 P-77-127, Pacific Gas and Electric Company
- H-10.
 P-2576-040, Northeast Generation Company
 P-2597-025, Northeast Generation Company
- Energy Projects—Certificates**
- C-1.
 RM05-1-000, Regulations Governing the Conduct of Open Seasons for Alaska Natural Gas Transmission Projects
- C-2.
 CP04-13-001, Saltville Gas Storage Company, LLC
 CP04-14-002, Saltville Gas Storage Company, LLC
 CP04-13-002, Saltville Gas Storage Company, LLC
- C-3.
 RP04-616-000, Northern Natural Gas Company v. ANR Pipeline Company
- C-4.
 CP04-379-000, Pine Prairie Energy Center, LLC
 CP04-380-000, Pine Prairie Energy Center, LLC
 CP04-381-000, Pine Prairie Energy Center, LLC
- C-5.
 CP04-76-000, Equitrans, L.P.
- C-6.
 CP04-105-000, CMS Gas Transmission Company and Bluewater Gas Storage, L.L.C.
- C-7.
 CP04-404-000, Tennessee Gas Pipeline Company
- C-8.
 CP04-102-001, CenterPoint Energy Gas Transmission Company
- Linda Mitry,**
Deputy Secretary.
- The Capitol Connection offers the opportunity for remote listening and viewing of the meeting. It is available for a fee, live over the Internet, via C-

Band Satellite. Persons interested in receiving the broadcast, or who need information on making arrangements should contact David Reininger or Julia Morelli at the Capitol Connection (703-993-3100) as soon as possible or visit the Capitol Connection Web site at <http://www.capitolconnection.gmu.edu> and click on "FERC".

[FR Doc. 04-25556 Filed 11-12-04; 4:18 pm]

BILLING CODE 6717-01-P

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.

[FR Doc. 04-25557 Filed 11-12-04; 4:18 pm]

BILLING CODE 6717-01-M

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