

US EPA ARCHIVE DOCUMENT

- Other#s RP02-340, 001, ANR Pipeline Company  
 G-25. Docket# RP02-307, 001, Texas Gas Transmission Corporation  
 G-26. Docket# RP02-252, 002, Columbia Gulf Transmission Company  
 G-27. Docket# RP02-254, 002, Columbia Gas Transmission Corporation  
 G-28. Docket# RP02-248, 002, Kern River Gas Transmission Co.  
 G-29. Omitted  
 G-30. Docket# RP02-448, 001, National Fuel Gas Supply Corporation  
 Other#s RP02-448, 002, National Fuel Gas Supply Corporation  
 G-31. Docket# RM96-1, 024, Standards for Business Practices of Interstate Natural Gas Pipelines  
 G-32. Docket# RP03-16, 000, *Pan-Alberta Gas (U.S.) Inc., and Mirant Americas Energy Marketing, L.P. v. Northern Border Pipeline Company*  
 G-33. Omitted  
 G-34. Omitted  
 G-35. Omitted  
 G-36. Docket# GT02-15, 002, Horizon Pipeline Company, L.L.C.  
 Other#s GT02-15, 001, Horizon Pipeline Company, L.L.C.  
 G-37. Docket# CP00-6, 006, Gulfstream Natural Gas System, L.L.C.  
 G-38. Docket# RP00-411, 002, Iroquois Gas Transmission System, L.P.  
 Other#s RP01-44, 004, Iroquois Gas Transmission System, L.P.

#### Energy Projects—Hydro

- H-1. Docket# DI99-2, 003, Alaska Power & Telephone Company  
 H-2. Omitted  
 H-3. Omitted  
 H-4. Docket# P-2114, 106, The Yakama Nation v. Public Utility District No. 2 of Grant County, WA  
 H-5. Docket# P-2727, 046, PPL Maine, LLC  
 H-6. Docket# P-1862, 085, City of Tacoma, Washington

#### Energy Projects—Certificates

- C-1. Docket# CP02-379, 000, Southern LNG Inc.  
 Other#s CP02-380, 000, Southern LNG Inc.  
 C-2. Docket# CP02-155, 000, Gulf South Pipeline Company, LP  
 C-3. Docket# CP02-90, 000, AES Ocean Express LLC  
 Other#s CP02-90, 001, AES Ocean Express LLC  
 CP02-91, 000, AES Ocean Express LLC  
 CP02-92, 000, AES Ocean Express LLC  
 CP02-93, 000, AES Ocean Express LLC  
 C-4. Omitted  
 C-5. Docket# CP02-428, 000, Ozark Gas Transmission, LLC  
 C-6. Docket# CP01-415, 001, East Tennessee Natural Gas Company  
 Other#s CP01-375, 000, East Tennessee Natural Gas Company  
 CP01-415, 000, East Tennessee Natural Gas Company  
 CP01-415, 002, East Tennessee Natural Gas Company  
 CP01-415, 003, East Tennessee Natural Gas Company  
 C-7. Docket# RM01-6, 000, Assignment of Firm Capacity on Upstream Interstate

#### Pipelines

Magalie R. Salas,  
 Secretary.  
 [FR Doc. 02-29535 Filed 11-15-02; 4:20 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 13, 2002.

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 20, 2002 (Within a relatively short time before or after the regular Commission Meeting).

**PLACE:** Hearing Room 5, 888 First Street, NE., Washington, DC 20426.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Non-public investigations and inquiries and enforcement related matters.

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

Chairman Wood and Commissioners Massey, Breathitt and Brownell voted to hold a closed meeting on November 20, 2002. 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.

Magalie R. Salas,  
 Secretary.  
 [FR Doc. 02-29536 Filed 11-15-02; 4:20 pm]  
 BILLING CODE 6717-01-P

#### ENVIRONMENTAL PROTECTION AGENCY

[FRL-7410-6]

##### Agency Information Collection Activities: Proposed Collection; Comment Request; Approval of State Coastal Nonpoint Pollution Control Programs; Extension of Comment Period

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice; extension of comment period.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), on October 25, 2002, EPA published a notice in the **Federal Register** (67 FR 65563) announcing that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): Approval of State Coastal Nonpoint Pollution Control Programs, EPA ICR Number 1569.05, OMB Control Number 2040-0153, expiring on April 30, 2003. This notice extends the comment period 30 days to December 26, 2002, to solicit comments on the proposed information collection.

**DATES:** Comments must be submitted on or before December 26, 2002.

**ADDRESSES:** Comments should be sent to, and copies of the ICR may be obtained without charge from, the Nonpoint Source Control Branch, Assessment and Watershed Protection Division (4503-T), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Stacie Craddock at EPA by phone at (202) 566-1204, by fax at (202) 566-1545, by email at [craddock.stacie@epa.gov](mailto:craddock.stacie@epa.gov), or download a copy of the ICR off the Internet at <http://www.epa.gov/icr> and refer to EPA ICR No. 1569.05.

Dated: November 13, 2002.

**Robert H. Wayland III,**

*Director, Office of Wetlands, Oceans, and Watersheds.*

[FR Doc. 02-29476 Filed 11-19-02; 8:45 am]

BILLING CODE 6560-50-P

#### ENVIRONMENTAL PROTECTION AGENCY

[FRL-7410-7]

##### Proposed Consent Decree, Clean Air Act Citizen Suit

**AGENCY:** Environmental Protection Agency.

**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. On November 13, 2002, the American Lung Association and eight other public interest groups filed a complaint pursuant to section 304(a) of the Act, 42 U.S.C. 7604(a), alleging that the United States Environmental Protection Agency ("EPA") failed to meet its mandatory duty to designate areas for the 8-hour ozone national ambient air quality standard ("NAAQS"). *American Lung Association, et al. v. EPA*, No. 02-2239 (D.D.C.). On November 13, 2002, EPA lodged the Consent Decree with the United States District Court for the District of Columbia Circuit. The Consent Decree establishes a time frame for EPA to promulgate designations for the 8-hour ozone NAAQS.

**DATES:** Written comments on the proposed consent decree must be received by December 20, 2002.

**ADDRESSES:** Written comments should be sent to Jan M. Tierney, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Copies of the proposed Consent Decree are available from Phyllis J. Cochran, (202) 564-5566. On November 13, 2002, a copy of the proposed consent decree was lodged with the Clerk of the United States District Court for the District of Columbia.

**SUPPLEMENTARY INFORMATION:** The American Lung Association and eight other public interest groups<sup>1</sup> (collectively referred to as "American Lung Association") allege that EPA failed to promulgate designations for the 8-hour ozone NAAQS by the Congressionally-enacted deadline.

On July 18, 1997, EPA promulgated a revised 8-hour ozone NAAQS. 62 FR 38856. The revised ozone NAAQS was challenged and on May 14, 1999, the United States Court of Appeals for the District of Columbia Circuit ("D.C. Circuit") determined that EPA's interpretation of its authority to establish the NAAQS resulted in an unconstitutional delegation of authority. The Court also determined that EPA's implementation scheme was flawed

because the CAA mandated that a revised ozone standard be implemented in accordance with specific provisions ("subpart 2") of the Act, which EPA had indicated would not apply. The Court remanded the rule to EPA. *American Trucking Assoc. v. EPA*, 175 F.3d 1027 (D.C. Cir. 1999) reh'g denied *American Trucking Assoc. v. EPA*, 195 F.3d 4 (D.C. Cir. 1999). Both EPA and the petitioners sought review in the Supreme Court of several aspects of the D.C. Circuit's decision.<sup>2</sup>

On February 27, 2001, the Supreme Court issued a decision, holding that EPA's interpretation of its authority to promulgate the 8-hour ozone NAAQS did not constitute an unconstitutional delegation of power. *Whitman v. American Trucking Assoc.*, 121 S.Ct. 903 (2001). The Court also remanded the implementation issue to the Agency to develop a reasonable interpretation that provides a role for subpart 2 in implementing the 8-hour ozone NAAQS.

Section 107(d)(1) of the CAA provides that EPA must designate areas for a revised NAAQS no later than two years following promulgation of the standard. It also provides for the Agency to take an additional year for designating areas if "insufficient information" is available. In June 1998, as part of the Transportation Equity Act for the 21st Century, Public Law 105-178, Congress enacted legislation that expressly provided EPA with three years to promulgate designations for the 8-hour ozone NAAQS. In the fall of 2000, as part of the appropriations bill for EPA, Congress precluded EPA from spending funds to designate areas for the 8-hour ozone NAAQS until the earlier of June 15, 2001 or a ruling by the Supreme Court in the litigation concerning the NAAQS. The Supreme Court issued its decision on February 27, 2001.

The Consent Decree provides that EPA will sign a notice promulgating designations for the 8-hour ozone NAAQS no later than April 15, 2004. It further provides that EPA will submit the designation notice to the Office of **Federal Register** no later than five days following signature. Finally, it provides for EPA to publish a notice of availability of the promulgated designations no later than April 30, 2004.

<sup>2</sup> The Court also remanded the rule to EPA because EPA had not considered whether ground-level ozone had beneficial health effects. In particular, some petitioners argued that EPA had ignored whether higher levels of ground-level ozone acted as a shield from the harmful effects of ultraviolet radiation. EPA did not seek Supreme Court review of this issue.

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 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, following the comment period, that consent is inappropriate, the Consent Decree will be final.

Dated: November 14, 2002.

**Lisa K. Friedman,**

*Associate General Counsel.*

[FR Doc. 02-29475 Filed 11-19-02; 8:45 am]

**BILLING CODE 6560-50-P**

## **ENVIRONMENTAL PROTECTION AGENCY**

[FRL -7411-2]

### **EPA Science Advisory Board Executive Committee Teleconference; Notification of Public Advisory Committee Meeting**

Pursuant to the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Executive Committee of the U.S. EPA Science Advisory Board (SAB) will meet on Thursday, December 5, 2002, from 11 a.m.-2 p.m. eastern time. The meeting will be coordinated through a conference call connection in Room 6013 in the USEPA, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. The public is encouraged to attend the meeting in the conference room noted above. However, the public may also attend through a telephonic link, to the extent that lines are available. Additional instructions about how to participate in the conference call can be obtained by calling Ms. Diana Pozun (*see* contact information below). The meeting is open to the public, however, seating is limited and available on a first come basis. *Important Notice:* Documents that are the subject of SAB reviews are normally available from the originating EPA office and are not available from the SAB Office—information concerning availability of documents from the relevant Program Office is included in the FR citations given below.

*Purpose of the Meeting*—In this meeting, the Executive Committee plans

<sup>1</sup> The other eight plaintiffs are: Environmental Defense, Natural Resources Defense Council, Sierra Club, Alabama Environmental Council, Clean Air Council, Michigan Environmental Council, Ohio Environmental Council and Southern Alliance for Clean Energy.