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Linwood A. Watson, Jr.,

Deputy Secretary.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7271-6]

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 (the "lawsuit") filed by Louisiana Environmental Action Network ("LEAN"), represented by Tulane Environmental Law Clinic: *Louisiana Environmental Action Network v. Whitman*, No. 02-226-B-M2 (M.D. La.). On or about March 1, 2001, LEAN filed a Complaint seeking to compel Christine Todd Whitman, in her official capacity as Administrator of the EPA, to respond to two administrative petitions to object to state operating permits issued by the Louisiana Department of Environmental Quality ("LDEQ"). Under the terms of the proposed settlement agreement, EPA will respond to the petitions by September 30, 2002, and October 31, 2002, respectively. Within thirty days of EPA's response to said petitions, LEAN will file a motion for voluntary dismissal of the Complaint, with prejudice to its refile.

DATES: Written comments on the proposed settlement agreement must be received by October 3, 2002.

ADDRESSES: Written comments should be sent to Cecilia Kim, 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 settlement are available from Phyllis J. Cochran, (202) 564-7606.

SUPPLEMENTARY INFORMATION: The Clean Air 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 45-day review period to object to state operating permits if EPA has not done so. LEAN filed two administrative petitions to object to state operating permits issued by LDEQ. The first petition, submitted by letter dated January 2, 2001, challenges the issuance of a Title V operating permit to Borden Chemical, Inc., for the construction of a formaldehyde plant in Geismar, Louisiana (the "Borden Petition"). The second petition, submitted by letter dated June 18, 2001, challenges the issuance of a Title V operating permit to Dow Chemicals, Inc., for construction of a facility in Plaquemine, Louisiana (the "Dow Petition"). The lawsuit alleges that EPA has a nondiscretionary duty to grant or deny such petitions within 60 days, and seeks to compel EPA to respond to the petitions.

The settlement agreement provides that, within ten days after execution by the parties, the parties will file a joint motion with the court requesting the lawsuit be stayed. LEAN may request the court to lift the stay of the lawsuit, and establish a schedule for further proceedings, if EPA fails to sign a response to the Borden Petition by September 30, 2002, or fails to sign a response to the Dow Petition by October 31, 2002.

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.

Dated: August 27, 2002.

Lisa K. Friedman,

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

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ENVIRONMENTAL PROTECTION AGENCY

[MO 163-1163; FRL-7271-8]

Clean Air Act Operating Permit Program; Petition for Objection to State Operating Permit for Doe Run Buick Mine and Mill

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final order on petition to object to state operating permit.

SUMMARY: This document announces that the EPA Administrator has responded to a citizen petition asking EPA to object to the operating permit issued to Doe Run Buick Mine and Mill by the Missouri Department of Natural Resources (MDNR). Specifically, the Administrator has partially granted and partially denied a petition submitted by the Sierra Club to object to the State operating permit issued to Doe Run Buick Mine and Mill in Boss, Missouri. **ADDRESSES:** You may review copies of the final order, the petition, and other supporting information at the EPA, Region 7, 901 N. Fifth Street, Kansas City, Kansas 66101. If you wish to examine these documents, you should make an appointment at least 24 hours before visiting day. The final order is also available electronically at <http://www.epa/region07/programs/artd/air/title5/petitiondb/petitiondb2000.htm>.

FOR FURTHER INFORMATION CONTACT: Harriett Jones, EPA, Region 7, Air, RCRA, and Toxics Division, Air Permitting and Compliance Branch (ARTD/APCO), 901 N. 5th Street, Kansas City, Kansas 66101, (913) 551-7730, or by e-mail at jones.harriett@epa.gov.

SUPPLEMENTARY INFORMATION: The Clean Air Act (Act) affords EPA a 45-day period to review, and, as appropriate, object to operating permits proposed by state permitting authorities. Section 505(b)(2) of the Act authorized 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.

On October 4, 2000, the EPA received a petition from the Sierra Club requesting that EPA object to the issuance of the title V operating permit to Doe Run Buick Mine and Mill. The petition alleged that the final title V permit contains a number of inadequate or unclear monitoring conditions, lacks an appropriate Statement of Basis, and does not assure compliance with all applicable requirements as mandated by 40 CFR 70.1(b) and 40 CFR 70.6(a)(1) because many individual permit conditions are not practically enforceable and lack adequate periodic monitoring. EPA agrees with the petitioner that the permit must be revised to incorporate additional monitoring and other necessary procedures to assure compliance. The other issues raised by the petitioner are found to be without merit.

On July 31, 2002, the Administrator issued an order partially granting and partially denying the petition. The order explains the reasons behind EPA's conclusion that the MDNR must reopen the permit to incorporate additional monitoring and other necessary procedures to assure compliance with the PM₁₀ emission limitation. The order also explains the reasons for denying the Sierra Club's remaining claims.

In accordance with section 505(b)(2) of the Act, denial of a petition is subject to judicial review under section 307 of the Act. Pursuant to section 307(b)(1), any petition for review shall be filed by November 4, 2002, in the United States Court of Appeals for the appropriate circuit.

Dated: August 22, 2002.

William Rice,

Acting Regional Administrator, Region 7.

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ENVIRONMENTAL PROTECTION AGENCY

[AMS-FRL-7271-7]

Air Pollution Control; Motor Vehicle Emission Factors

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public workshop.

SUMMARY: The Environmental Protection Agency is now in the process of developing revisions and improvements to its mobile source emissions models

(the MOBILE and NONROAD models) as well as planning a new generation of models (the MOVES model). The current version of the highway (on-road) model, MOBILE6, was released for use in January 2002. Draft extensions of this model (MOBILE6.1 adding particulate emissions and MOBILE6.2 adding toxic emissions) were released several months later. The extension of the model, MOBILE6.3 adding CO₂ emissions, is planned for release in the fall of 2002. Revisions are also being made to the current draft NONROAD model. Finally, work is progressing on the MOVES model, with its first component (a greenhouse gas model) scheduled for completion in the fall of 2003. This notice announces a public workshop for the purpose of discussing issues raised by these present and future models.

At this three-day workshop, Mobile Source Present and Future Models, EPA will devote the entire first day to the NONROAD model, the entire second day to the MOVES model, and the entire third day to the MOBILE6 model. This will allow individuals to attend only the sessions in which they are interested.

On the first day (November 5), EPA will cover the NONROAD model. While a formal agenda has not been completed, EPA will cover recent revisions to the draft NONROAD model, (including geographic allocation), data collection by EPA and the states, and nonroad categories not included in the model (*i.e.* aircraft, locomotives, and commercial marine). We will also cover our pilot project and hold a user forum.

On the second day (November 6), EPA will cover the MOVES Model. Tentative topics include the comprehensive plan for the Model, the Greenhouse Gas emission analysis plan and shootout follow up. Other topics include the Portable Emission Measurement System (PEMS) and the Portable Activity Monitoring System (PAMS) master plan, as well as the NATIONAL MOBILE INVENTORY MODEL (NMIM).

On the third day (November 7), the proposed agenda will cover the MOBILE6 Model including the MOBILE6 validation work and related sensitivity analysis that has been done. A discussion of the MOBILE6.1, MOBILE6.2, and MOBILE6.3 extensions will be held, with plans for the next release. We also tentatively plan to have a forum on MOBILE6 experiences, including questions and answers.

DATES: The workshop will be held Tuesday, November 5 through Thursday, November 7, 2002. Sessions are expected to run from 8:30 a.m. to 4 p.m., Eastern Daylight Time (EDT) each day. Please note that the first day of this

workshop (November 5) is election day. Therefore, attendees may wish to make arrangements to vote via absentee ballots.

ADDRESSES: The workshop will be held at the Sheraton Inn, 3200 Boardwalk, Ann Arbor, MI 48108. Directions to the workshop can be obtained at <http://www.sheratonannarbor.com>. A block of 50 rooms is being held at the Sheraton for attendees of this workshop under Code MSMW11 until October 4, 2002. The phone number is (734) 996-0600.

FOR FURTHER INFORMATION CONTACT: (734) 214-4636 or send an e-mail to mobile@epa.gov.

SUPPLEMENTARY INFORMATION: Under Section 130 of the Clean Air Act Amendments of 1990, EPA is required to review, and to revise as necessary, the emission factors used to estimate emissions of volatile organic compounds (VOC), carbon monoxide (CO), and oxides of nitrogen (NO_x) from area and mobile sources. In the case of highway vehicles, emission factors for these pollutants are estimated using the highway vehicle emission factor model, commonly referred to as MOBILE. This model, first developed in the late 1970s, has been revised, updated, and improved periodically since that time to account for improved data and analyses concerning in-use emissions performance of highway vehicles, changes in vehicle and emission control technology, changes in fuel composition, strengthening of applicable emission standards, refinements to applicable test procedures, and other items that affect in-use emission levels.

Section 130 of the Act requires that this emission factor review, and revision as needed, be performed at least every three years. As noted above, the current official version of the model, MOBILE6, was released January 2002. Since that time, two draft extensions to the model have been developed, MOBILE6.1 and MOBILE6.2. While not involving revision and update to the entire model, these versions were developed to address specific needs on the part of emission factor users. MOBILE6.1 added the calculation of particulate matter (PM) to the emissions calculated by MOBILE6. MOBILE6.2 added the calculation of toxic compounds to the emissions calculated by MOBILE6 or MOBILE6.1.

Dated: August 27, 2002.

Margo Tsirigotis Oge,

Director, Office of Transportation and Air Quality.

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