

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Docket No. EL04-117-000, et al.]

**Kentucky Utilities Company, et al.; Electric Rate and Corporate Filings**

July 22, 2004.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

**1. Kentucky Utilities Company**

[Docket No. EL04-117-000]

Take notice that on July 9, 2004, Kentucky Utilities Company (KU) filed a Petition for Declaratory Order pursuant to Rule 207 of the Rules of Practice and Procedure (18 CFR 385.207) of the Commission's regions. KU requests that the Commission issue a declaratory order stating that sections 205 and 206 of the Federal Power Act (16 U.S.C. 824d, e(2000)) preempt significant portions of a lawsuit recently filed in the Commonwealth of Kentucky's Daviess Circuit Court by the City of Owensboro, Kentucky and the City Utility Commission of the City of Owensboro, Kentucky. KU also requests that the Commission address the merits of certain issues raised in that lawsuit.

*Comment Date:* 5 p.m. eastern time on August 12, 2004.

**2. Volunteer Energy Services, Inc.**

[Docket No. ER04-937-001]

Take notice that on July 19, 2004, Volunteer Energy Services, Inc. (VESI) submitted amendment to its June 17, 2004, filing in Docket No. ER04-937-000, of a Petition for Acceptance of Initial Rate Schedule, Waivers and Blanket Authority.

*Comment Date:* 5 p.m. eastern time on August 9, 2004.

**Standard Paragraph**

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 and 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. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. On or before the comment date, it is not

necessary to serve motions to intervene or protests on persons other than the Applicant.

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 online 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 email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

*Comment Date:* 5 p.m. eastern time on August 12, 2004.

**Magalie R. Salas,**  
*Secretary.*

[FR Doc. E4-1701 Filed 7-29-04; 8:45 am]

**BILLING CODE 6717-01-P****DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Docket No. RP04-265-000]

**Northern Natural Gas Company; Notice Postponing Technical Conference**

July 23, 2004.

On July 21, 2004, Northern Natural Gas Company (Northern) filed a request to postpone a technical conference scheduled for Tuesday, July 27, 2004, in the above-docketed proceeding. In its filing, Northern states that parties to this proceeding have been working to resolve issues in this docket and have reached an agreement in principle in this proceeding.

By this notice, the conference previously scheduled for July 27, 2004, is postponed. Northern is directed to file a status report in this docket on or before August 16, 2004.

**Linda Mitry,**  
*Acting Secretary.*

[FR Doc. E4-1678 Filed 7-29-04; 8:45 am]

**BILLING CODE 6717-01-P****ENVIRONMENTAL PROTECTION AGENCY**

[FRL-7794-9]

**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 ("CAA" or the "Act"), 42 U.S.C. section 7413(g), notice is hereby given of a proposed settlement agreement to address a lawsuit filed by Glynn Environmental Coalition, Inc. and the Center for a Sustainable Coast, Inc. (collectively, "Plaintiffs"): *Glynn Environmental Coalition, Inc. v. EPA*, No. 2:04-CV-00013 (S.D. Ga.). On January 26, 2004, Plaintiffs filed a complaint against Defendants United States Environmental Protection Agency and Michael O. Leavitt, Administrator of the United States Environmental Protection Agency (collectively, "EPA") claiming that EPA failed to grant or deny an administrative petition (the "Petition") to object to a CAA title V operating permit issued by the State of Georgia for the Hercules, Inc. facility in Brunswick, Georgia. Under the terms of the proposed settlement agreement, a "window" between 30 and 120 days from signature of the agreement would be established for EPA to sign an order granting or denying the Petition.

**DATES:** Written comments on the proposed settlement agreement must be received by August 30, 2004.

**ADDRESSES:** Submit your comments, identified by docket ID number OGC-2004-0008, online at <http://www.epa.gov/edocket> (EPA's preferred method); by e-mail to [oei.docket@epa.gov](mailto: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:** Kerry E. Rodgers, Air and Radiation Law Office (2344A), Office of General

Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460, telephone: (202) 564-5671.

#### SUPPLEMENTARY INFORMATION:

##### I. Additional Information About the Proposed Settlement.

Once implemented, the Settlement Agreement (the "Agreement") would resolve a citizen suit brought pursuant to CAA section 304(a)(2) and the Administrative Procedure Act, 5 U.S.C. section 706(1), to compel a response to the Petition filed by the Plaintiffs in January 2003. The Petition, which was filed pursuant to CAA section 505(b)(2), asked that the Administrator object to a CAA title V operating permit issued by the State of Georgia for the Hercules, Inc. wood rosins and products manufacturing facility in Brunswick, Georgia. The State of Georgia and Hercules, Inc. have intervened as Defendants-Intervenors. Upon execution of the Agreement, the parties shall jointly request that the Court stay the litigation to allow implementation of the Agreement; absent a stay, the Agreement shall be void.<sup>1</sup>

The Agreement, which is subject to CAA section 113(g), acknowledges that Plaintiffs intend to submit a memorandum (the "Submission") to EPA further supporting the Petition and requires Plaintiffs to provide that Submission to EPA within 30 days after both parties have signed the Agreement. The Agreement provides that EPA shall sign an order granting or denying the Petition no earlier than 30 days and no later than 90 days after receiving the Submission. (If Plaintiffs fail to provide a timely Submission to EPA, EPA may grant or deny the Petition at any time during the 90 days following the date the Submission is due.) EPA shall provide notice of such order to Plaintiffs within five business days following signature of such order, and EPA shall deliver notice of such order to the Office of the Federal Register no later than ten calendar days following signature of such order. Plaintiffs shall seek dismissal of the litigation with prejudice upon EPA's compliance with these obligations. During a 120-day period after entry of a Court order dismissing this case, the parties shall seek to informally resolve any claim for litigation costs, including attorney's fees, and if they cannot, Plaintiffs may seek such costs from the Court.

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 intervenors 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-2004-0008 which contains a copy of the Agreement. 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 through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OEI Docket is (202) 566-1752.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, to access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the appropriate docket identification number.

It is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public

docket or in EPA's electronic public docket. EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

###### B. How and to Whom Do I Submit Comments?

You may submit comments as provided in the **ADDRESSES** section. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment and with any disk or CD ROM you submit. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment. In contrast to EPA's electronic public docket, EPA's electronic mail (e-mail) system is not an "anonymous access" system. If you send an e-mail comment directly to the Docket without going through EPA's electronic public docket, your e-mail address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

<sup>1</sup>The Agreement was executed on July 15, 2004, and the parties filed a joint stay motion with the Court on July 16, 2004.

Dated: July 21, 2004.

**Lisa K. Friedman,**

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

[FR Doc. 04-17380 Filed 7-29-04; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7795-2]

### Science Advisory Board Staff Office; Request for Nominations for the Science Advisory Board Superfund Benefits Analysis Advisory Panel

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

**ACTION:** Notice.

**SUMMARY:** The EPA Science Advisory Board (SAB) Staff Office announces the formation of a new advisory panel known as the Superfund Benefits Analysis Advisory Panel, and is soliciting nominations for members of the Panel.

**DATES:** Nominations should be submitted by August 20, 2004 per the instructions below.

**FOR FURTHER INFORMATION CONTACT:** Any member of the public wishing further information regarding this Request for Nominations may contact Dr. Holly Stallworth, Designated Federal Officer (DFO), via telephone/voice mail at (202) 343-9867; via e-mail at [stallworth.holly@epa.gov](mailto:stallworth.holly@epa.gov) or at the U.S. EPA Science Advisory Board (1400F), 1200 Pennsylvania Ave., NW., Washington, DC 20460. General information about the SAB can be found on the SAB Web Site at: <http://www.epa.gov/sab>.

#### SUPPLEMENTARY INFORMATION:

##### Background

In 1980, Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund. This law authorizes the Federal government to respond directly to releases, or threatened releases, of hazardous substances that may endanger public health, welfare or the environment. There are two basic types of Superfund cleanups: (1) Remedial actions which are generally long-term and more complex cleanups; and (2) removal actions which are generally short-term response actions taken to abate or mitigate imminent substantial threats to human health and the environment.

In 2002, EPA's Office of Solid Waste and Emergency Response (OSWER)

initiated a study to enumerate, describe, quantify and, where possible, monetize the benefits of the Superfund program. OSWER is seeking advice from the SAB on the scientific soundness of the methods and analysis in this study.

The SAB is a chartered Federal Advisory Committee, established by 42 U.S.C. 4365, to provide independent scientific and technical advice, consultation, and recommendations to the EPA Administrator on the technical bases for EPA policies and actions. The Advisory Panel will provide advice through the chartered SAB and will comply with the openness provisions of the Federal Advisory Committee Act (FACA) and all appropriate SAB procedural policies. The work of this panel includes reviewing background material, participating in a few public teleconferences, and attending at least two public face-to-face meetings, until the advisory is complete. The specific charge questions to the SAB Panel will be made available prior to the meeting on the SAB Web site at <http://www.epa.gov/sab/>.

The first meeting of the Advisory Panel will focus on the benefit transfer methods applied to hedonic property studies and the proposed methods for quantifying specific effect, including ecological and health effects. In a later meeting, the Advisory Panel will provide advice on the completed study.

##### EPA Technical Contact

The draft Superfund Benefits Analysis will be available on EPA's OSWER website at: <http://www.epa.gov/superfund>. Ms. Melissa Friedland of OSWER is the EPA technical contact and may be contacted at (703) 603-8864 or at [friedland.melissa@epa.gov](mailto:friedland.melissa@epa.gov).

##### Request for Nominations

The SAB Staff Office is requesting nominations of recognized experts with one or more of the following areas of expertise to serve on the SAB Superfund Benefits Analysis Advisory Panel: (a) Hazardous waste management; (b) valuation for cost-benefit analysis, specifically hedonic pricing models and methods; (c) ecological risk assessment; (d) public health and epidemiology, and (e) toxicology and human health risk assessment of toxic chemicals.

##### Process and Deadline for Submitting Nominations

Any interested person or organization may nominate individuals qualified in the areas of expertise described above to serve on the SAB Superfund Benefits Analysis Advisory Panel. Nominations should be submitted in electronic format through the Form for Nominating

Individuals to Panels of the EPA Science Advisory Board which can be accessed through a link on the blue navigational bar on the SAB Web site at: <http://www.epa.gov/sab>. To be considered, all nominations must include the information requested on that form.

Anyone who is unable to submit nominations using this form and anyone with questions concerning any aspects of the nomination process may contact the DFO, as indicated above in this notice. Nominations should be submitted in time to arrive no later than August 20, 2004. Any questions concerning either this process or any other aspects of this notice should be directed to the DFO. The process for forming an SAB panel is described in the Overview of the Panel Formation Process at the Environmental Protection Agency, Science Advisory Board (EPA-SAB-EC-COM-02-010), on the SAB Web site at: <http://www.epa.gov/sab/pdf/ecm02010.pdf>.

The SAB Staff Office will acknowledge receipt of the nomination and inform nominators of the panel selected. From the nominees identified by respondents to this **Federal Register** notice (termed the "Widecast"), the SAB Staff Office will develop a smaller subset (known as the "Short List") for more detailed consideration. The Short List will be posted on the SAB Web Site at: <http://www.epa.gov/sab>, and will include, for each candidate, the nominee's name and biosketch. Public comments on the Short List will be accepted for 21 calendar days. During this comment period, the public will be requested to provide information, analysis or other documentation on nominees that the SAB Staff Office should consider in evaluating candidates for the Panel.

For the SAB, a balanced panel (*i.e.*, committee, subcommittee, or panel) is characterized by inclusion of candidates who possess the necessary domains of knowledge, the relevant scientific perspectives (which, among other factors, can be influenced by work history and affiliation), and the collective breadth of experience to adequately address the charge. Public responses to the Short List candidates will be considered in the selection of the panel, along with information provided by candidates and information gathered by SAB Staff Office independently of the background of each candidate (*e.g.*, financial disclosure information and computer searches to evaluate a nominee's prior involvement with the topic under review). Specific criteria to be used in evaluation of an individual Panel member include: (a)