

24. Commonwealth Edison Company

[Docket No. ER01-2389-000]

Take notice that on June 22, 2001, Commonwealth Edison Company (ComEd) submitted for filing an Interconnection Agreement with Lockport Power Generation, LLC (Lockport). ComEd requests an effective date of June 23, 2001 and accordingly seeks waiver of the Commission's notice requirements. Copies of the filing were served on Lockport and the Illinois Commerce Commission.

Comment date: July 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

25. Huntington Beach Development, L.L.C.

[Docket No. ER01-2390-000]

Take notice that on June 20, 2001, Huntington Beach Development, L.L.C. (Huntington Beach) tendered for filing an application for an order accepting its FERC Electric Rate Schedule No. 1, granting certain blanket approvals, including the authority to sell electricity at market-based rates, and waiving certain regulations of the Commission. Huntington Beach requested expedited Commission consideration. Huntington Beach requested that its Rate Schedule No. 1 become effective upon the earlier of the date the Commission authorizes market-based rate authority, or the date Huntington Beach is operationally able to generate, but no later than July 15, 2001. Huntington Beach also filed its Rate Schedule FERC No. 1 and a Supplemental Code of Conduct thereto.

Huntington Beach intends to sell energy and capacity from its facility in the wholesale power market at market-based rates, and on such terms and conditions to be mutually agreed to with the purchasing party.

Comment date: July 11, 2001, in accordance with Standard Paragraph E at the end of this notice.

26. Progress Energy on Behalf of Florida Power Corporation

[Docket No. ER01-2391-000]

Take notice that on June 20, 2001, Florida Power Corporation (FPC) tendered for filing Service Agreements for Short-Term Firm and Non-Firm Point-to-Point Transmission Service with Cinergy Services, Inc. Service to this Eligible Customer will be in accordance with the terms and conditions of the Open Access Transmission Tariff filed on behalf of FPC. A copy of the filing was served upon the Florida Public Service Commission.

FPC is requesting an effective date of June 20, 2001 for the Service Agreements.

Comment date: July 11, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. 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 motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

David P. Boergers,

Secretary.

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BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****Notice of Application to Amend License and Soliciting Comments, Motions To Intervene, and Protests**

June 28, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. *Application Type:* Non-capacity amendment of license.
- b. *Project No.:* 1494-232.
- c. *Date Filed:* June 19, 2001.
- d. *Applicant:* Grand River Dam Authority.
- e. *Name of Project:* Pensacola Dam.
- f. *Location:* The project is located on the Grand (Neosho) River in Craig, Delaware, Mayes, and Ottawa Counties, Oklahoma. The project does not occupy any Federal or tribal lands.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Mary E. Von Drehle, Assistant General Counsel, Grand River Dam Authority, PO Box 409, Vinita, OK 74301.

i. *FERC Contact:* Steve Naugle, steven.naugle@ferc.fed.us. 202-219-2805.

j. *Deadline for filing comments and or motions:* August 10, 2001.

All document (original and eight copies) should be filed with Mr. David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

Please reference the following number, P-1494-232, on any comments or motions filed.

k. *Description of the Application:* The applicant requests Commission approval to grant a permit to Arrowhead Investment & Development Company to replace and relocate certain boat docks and to add two new docks at an existing commercial facility known as Arrowhead Marina. The marina, which is located on the Duck Creek arm of Grand Lake O' the Cherokees, currently consists of nine docks with 111 boat slips. After completing the proposed improvements, the marina would consist of 11 docks with 175 boat slips. The expanded docking facilities would be used by patrons of the marina.

l. *Locations of the Applications:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling 202-208-1371. The application may be viewed on-line at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of rules of practice and procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the

Commission's rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Filing and Service of Responsive Documents—Any filings must bear in all Capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Mail Stop PJ-12.1, Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 01-16750 Filed 7-3-01; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7007-3]

Adequacy Status of Submitted State Implementation Plan for Transportation Conformity Purposes; Houston-Galveston Area (HGA) Ozone Attainment Demonstration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of inadequacy determination.

SUMMARY: The EPA is notifying the public that we have found the motor vehicle emissions budgets (the budgets), in the HGA Ozone Attainment Demonstration State Implementation Plan (SIP) submitted on November 12, 1999, inadequate for transportation conformity purposes. The EPA's determination of inadequacy is based on

the fact that it is clear that the budgets in the November 12, 1999, SIP submission can no longer be considered adequate and consistent with attainment requirements. As explained in detail in the Office of Transportation and Air Quality (OTAQ) guidance memorandum entitled "Application of 40 CFR 93.104(e) to Houston Attainment SIP", dated May 9, 2001, the 1999 Rate-Of-Progress budgets are considered the applicable budgets until replaced by subsequent budgets in accordance with 40 CFR 93.118. In addition, this determination that the budgets are not adequate does not have any adverse implications on the conformity process or the current conforming transportation Plan or program.

DATES: This inadequacy determination is effective on May 9, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. J. Behnam, P.E., The U.S. Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202; telephone (214) 665-7247.

SUPPLEMENTARY INFORMATION:

Background

Today's notice is simply an announcement of a finding that EPA has already made. The EPA sent a letter to the Texas Natural Resource Conservation Commission (TNRCC) on May 9, 2001, finding that the budgets submitted on November 12, 1999, are not adequate.

Transportation conformity is required by section 176(c) of the Clean Air Act (CAA). The EPA's conformity rule requires that transportation plans, programs, and projects conform to SIPs and establishes criteria and procedures for making conformity determinations. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

The EPA described the process for determining adequacy of the submitted SIP budgets in a guidance memorandum entitled Conformity Guidance on Implementation of March 2, 1999, Conformity Court Decision, dated May 14, 1999. This guidance is used in making the adequacy determination on the budgets contained in the control strategy SIPs. The criteria by which EPA determines whether a SIP's budgets are adequate for conformity purpose are specified in 40 CFR 93.118(e)(4). An adequacy review is a separate process from EPA's SIP completeness review, and also it should not be used to prejudge EPA's ultimate action to approve or disapprove the SIP.

The Governor of Texas submitted the HGA Ozone Attainment Demonstration SIP on November 12, 1999. The HGA Ozone Attainment Demonstration SIP contained the year 2007 budgets of 79.00 tons/day for Volatile Organic Compounds (VOC) and 195.00 tons/day for Nitrogen Oxides (NO_x) for the ozone nonattainment area. On May 31, 2000, the EPA sent a letter to the TNRCC stating that the budgets for VOC and NO_x in the November 12, 1999, HGA Ozone Attainment Demonstration SIP were adequate for transportation conformity purposes. The EPA published a notice in the **Federal Register** on June 14, 2000, (65 FR 37368) announcing that we had made an adequacy determination for the budgets submitted in HGA Ozone Attainment Demonstration SIP. This finding was also announced on EPA's conformity web site, <http://www.epa.gov/oms/traq>.

On December 20, 2000, the Governor of Texas submitted another revision to the HGA Attainment Demonstration SIP which contained a set of revised year 2007 budgets for the on-road mobile sources. These budgets were 79.51 tons/day and 151.6 tons/day for VOC and NO_x, respectively. Subsequently, the EPA posted these budgets on its web site for public review. However, the EPA has not made any adequacy determination on these budgets. On May 30, 2001, the TNRCC proposed additional revisions to the HGA Attainment Demonstration SIP that will further change the budgets for the on-road mobile sources.

The EPA has now determined that the budgets contained in the HGA Ozone Attainment Demonstration SIP submitted on November 12, 1999, are inadequate for transportation conformity purposes. We cannot support adequacy of these budgets because they do not accurately reflect the HGA on-road mobile source emissions and are not consistent with HGA reaching attainment of the ozone air quality standard. One of the criteria for budget adequacy is that the budgets, when considered together with all other emissions sources, are consistent with applicable requirements for the given implementation plan submission, in this case attainment of the ozone standard by the applicable CAA attainment date. We have determined, by following our rule and guidance, that the HGA Ozone Attainment Demonstration SIP budgets submitted on November 12, 1999, are not consistent with attainment of the ozone standard and therefore are not adequate.

As explained in detail in the OTAQ's memorandum referenced earlier, the 1999 Rate-Of-Progress budgets are