

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. RM03-8-001]

Quarterly Financial Reporting and Revisions to the Annual Reports; Notice

July 20, 2004.

The Federal Energy Regulatory Commission published in the **Federal Register** of February 26, 2004, Order No. 646, a Final Rule amending the Commission's financial reporting regulations establishing new quarterly financial reporting for respondents that currently file Annual Reports with the Commission.¹ These new quarterly financial reports are the FERC Form No. 3-Q, Quarterly Financial Report of Electric Companies, Licensees, and Natural Gas Companies, and the FERC Form No. 6-Q, Quarterly Financial Report of Oil Pipeline Companies.

The software provided by the Commission and used to file the FERC Forms No. 3-Q is now available on the Commission's Web site. It is also available to respondents through automatic updates to the FERC Form Nos. 1, and 2/2-A software. Respondents may contact FERCOnlineSupport@ferc.gov for questions concerning the use of the software. Questions concerning the financial data reported in the quarterly financial reports may be directed to Brian Holmes at (202) 502-6008 or sent by e-mail to brian.holmes@ferc.gov.

Linda Mitry,
Acting Secretary.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7792-1]

Proposed Consent Decree, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency (EPA).

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, to address a lawsuit filed by Environmental Defense in the U.S. District Court for the Northern District of California: *Environmental Defense v. EPA*, No. C 03 5508 (N.D. CA). Environmental Defense filed a complaint pursuant to section 304(a) of the Act, 42 U.S.C. section 7604(a), which concerns the U.S. Environmental Protection Agency's (EPA's) alleged failure to meet a mandatory deadline under section 111(b) of the Act, 42 U.S.C. section 7411(b), by failing to promulgate a New Source Performance Standard for stationary Internal Combustion Engines. Under the proposed consent decree, rulemaking schedules will be provided to establish New Source Performance Standards for stationary internal combustion engines.

DATES: Written comments on the proposed consent decree must be received by August 23, 2004.

ADDRESSES: Submit your comments, identified by docket ID number OGC-2004-0007, 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: Michael Horowitz, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Telephone: (202) 564-5583.

SUPPLEMENTARY INFORMATION:**I. Additional Information About the Proposed Consent Decree**

Section 111(b)(2) of the Clean Air Act (the Act) requires that EPA publish proposed regulations proposing federal new source performance standards for new sources in categories of stationary sources listed under section 112(b)(1) of the Act, and that EPA promulgate final regulations within one year after publication of the proposed regulations. In the above-captioned case, Environmental Defense alleges that EPA has failed to meet a mandatory deadline under the Act by failing to promulgate

a New Source Performance Standard for stationary Internal Combustion Engines.

The proposed consent decree provides a rulemaking schedule to establish New Source Performance Standards for stationary internal combustion engines, with separate schedules for proposal and promulgation of such standards for compression-ignition engines and for spark-ignition engines.

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, based on any comment which may be submitted, that consent to the consent decree should be withdrawn, the terms of the decree will be affirmed.

II. Additional Information About Commenting on the Proposed Consent Decree**A. How Can I Get a Copy of the Consent Decree?**

EPA has established an official public docket for this action under Docket ID No. OGC-2004-0007 which contains a copy of the consent decree. 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, 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.

¹ Quarterly Financial Reporting and Revisions to the Annual Reports, Order No. 646, 69 FR 9030 (Feb. 26, 2004), III FERC Stats. & Regs. ¶ 31,158 (Feb. 11, 2004).

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.

Dated: July 15, 2004.

Lisa K. Friedman,

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

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ENVIRONMENTAL PROTECTION AGENCY

[R04-OAR-2004-NC-0002-200422; FRL-7791-6]

Adequacy Status of the Raleigh/Durham and Greensboro/Winston-Salem/High Point, NC 1-Hour Ozone Maintenance Plan Updates for Transportation Conformity Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of adequacy.

SUMMARY: In this notice, EPA is notifying the public that EPA has found that the motor vehicle emission budgets (MVEB) in the Raleigh/Durham area (Durham and Wake Counties and a portion of Granville County) and Greensboro/Winston-Salem/High Point area (Davidson, Forsyth, and Guilford Counties, and a portion of Davie County) 1-hour ozone maintenance plan updates, submitted June 4, 2004, by the North Carolina Department of

Environment and Natural Resources (NCDENR), are adequate for transportation conformity purposes. On March 2, 1999, the DC Circuit Court ruled that submitted State Implementation Plans (SIPs) cannot be used for transportation conformity determinations until EPA has affirmatively found them adequate. As a result of EPA's finding, the Raleigh/Durham and Greensboro/Winston-Salem/High Point areas can use the MVEB from the submitted Raleigh/Durham area and Greensboro/Winston-Salem/High Point area 1-hour ozone maintenance plan updates, respectively, for future conformity determinations.

DATES: These MVEB are effective August 9, 2004.

FOR FURTHER INFORMATION CONTACT: Matt Laurita, Environmental Engineer, U.S. Environmental Protection Agency, Region 4, Air Planning Branch, Air Quality Modeling and Transportation Section, 61 Forsyth Street, SW., Atlanta, Georgia 30303. Mr. Laurita can also be reached by telephone at (404) 562-9044, or via electronic mail at laurita.matthew@epa.gov. The finding is available at EPA's conformity Web site: <http://www.epa.gov/otaq/transp.htm> (once there, click on the "Transportation Conformity" text icon, then look for "Adequacy Review of SIP Submissions").

SUPPLEMENTARY INFORMATION:

Background

Today's notice is simply an announcement of a finding that EPA has already made. EPA Region 4 sent a letter to NCDENR on June 23, 2004, stating that the MVEB in the submitted Raleigh/Durham area and Greensboro/Winston-Salem/High Point area 1-hour ozone maintenance plan updates submitted on June 4, 2004, are adequate. This finding has also been announced on EPA's conformity Web site: <http://www.epa.gov/otaq/transp.htm>, (once there, click on the "Transportation Conformity" text icon, then look for "Adequacy Review of SIP Submissions"). The adequate MVEB are provided in the following table.

RALEIGH/DURHAM AREA MVEB

[Tons per day]

County	Pollutant	2007	2010	2012	2015
Durham	VOC	8.30	6.77	5.94	5.26
	NO _x	15.29	11.35	9.09	6.49
Granville*	VOC	0.55	0.46	0.41	0.37
	NO _x	1.46	1.13	0.89	0.62
Wake	VOC	20.04	17.36	15.64	14.35