

north of the proposed project and to an existing San Diego Gas & Electric Company transmission line located to the south.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at 1-866-208-3676, or for TTY, (202) 502-8659. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at <http://www.ferc.gov/docs-filing/subscription.asp> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified deadline date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified deadline date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.

A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit a development application. A notice of intent must be served on the applicant(s) named in this public notice.

Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests 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 protests or motions to intervene must be received on or before the specified deadline date for the particular application.

When the application is ready for environmental analysis, the Commission will issue a public notice requesting comments, recommendations, terms and conditions, or prescriptions.

All filings must (1) bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," or "COMPETING APPLICATION;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

**Magalie R. Salas,**  
Secretary.

[FR Doc. E5-377 Filed 2-1-05; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Application for Non-Project Use of Project Lands and Waters and Soliciting Comments, Motions To Intervene, and Protests

January 25, 2005.

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

- a. *Application Type:* Non-Project Use Of Project Lands And Waters.
- b. *Project No:* 2232-480.
- c. *Date Filed:* December 16, 2004.
- d. *Applicant:* Duke Power, a division of Duke Energy Corporation.
- e. *Name of Project:* Catawba-Wateree Project.

f. *Location:* This project is located on the Catawba and Wateree Rivers, in nine counties in North Carolina (Burke, Alexander, McDowell, Iredell, Caldwell, Lincoln, Catawba, Gaston, and Mecklenburg Counties) and five counties in South Carolina (York, Chester, Lancaster, Fairfield and Kershaw Counties). This project does not occupy any tribal or Federal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791 (a) 825(r) and §§ 799 and 801.

h. *Applicant Contact:* Mr. Joe Hall, Lake Management Representative; Duke Energy Corporation; PO Box 1006; Charlotte, NC; 28201-1006; 704-382-8576.

i. *FERC Contact:* Any questions on this notice should be addressed to Brian

Romanek at (202) 502-6175 or by e-mail: [Brian.Romanek@ferc.gov](mailto:Brian.Romanek@ferc.gov).

j. *Deadline for filing comments and or motions:* February 28, 2005.

All documents (original and eight copies) should be filed with: Ms. Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington DC 20426. Please include the project number (P-2232-480) on any comments or motions filed. 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 under the "e-Filing" link. The Commission strongly encourages e-filings.

k. *Description of Request:* Duke Power, licensee for the Catawba-Wateree Hydroelectric Project, has requested Commission authorization to lease to The Sanctuary At Lake Wylie, LLC and The Sanctuary Property Owners Association (The Sanctuary) 0.416 acres of project lands for a Commercial Residential Marina at the Sanctuary. The Sanctuary is located in Mecklenburg County off of NC 49 South. The marina would consist of one cluster dock with ten boat slips, one fishing pier, 20,700 feet of shoreline stabilization, and an irrigation intake with a maximum pumping capacity of 150,000 gallons per day. The pump would run an average of three hours per day, three to four times per week, using 27,000 gallons per day. No dredging would be required.

l. *Location of the Application:* This filing is available for review at the Commission or may be viewed on the Commission's Web site at <http://www.ferc.gov>, using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208-3676, or for TTY, contact (202) 502-8659.

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. 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 applications. A copy of the applications 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.

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

[FR Doc. E5-378 Filed 2-1-05; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP04-274-000]

#### Kern River Gas Transmission Company; Notice of Informal Settlement Conference

January 25, 2005.

Take notice that an informal settlement conference will be convened in this proceeding commencing at 10:00 am (EST) on Wednesday, February 2, 2005 at the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, for the purpose of exploring a possible settlement in the above-referenced proceeding.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, please contact Thomas J. Burgess (202-502-6058).

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

[FR Doc. E5-381 Filed 2-1-05; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. RM05-2-000]

#### Policy for Selective Discounting by Natural Gas Pipelines; Notice of Extension of Time

January 25, 2005.

On January 21, 2005, the Interstate Natural Gas Association of America (INGAA) filed a motion for an extension of time to file comments in response to the Commission's Notice of Inquiry (NOI) issued November 22, 2004, in the above-docketed proceeding. 109 FERC ¶ 61,202. INGAA states that additional time is needed because of the broad scope of the Commission's inquiry in this proceeding and because preparation of a response will require significant input from gas industry members. INGAA also states that an extension is needed due the press of Commission deadlines in other natural gas industry proceedings. INGAA finally states that the American Gas Association, American Public Gas Association, Independent Petroleum Association of America, Illinois Municipal Gas Association, Natural Gas Supply Association and Process Gas Consumers either support or do not oppose the request for additional time.

Upon consideration, notice is hereby given that an extension of time for filing comments on the NOI is granted to and including March 2, 2005.

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

[FR Doc. E5-379 Filed 2-1-05; 8:45 am]

**BILLING CODE 6717-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

[IL-224-1; FRL-7867-6]

#### Adequacy Status of Metro-East St. Louis, IL Submitted 1-Hour Ozone Maintenance Plan 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 emissions budgets in the Metro-East St. Louis, Illinois 1-hour ozone maintenance plan are adequate for conformity purposes. On March 2, 1999, the DC Circuit Court ruled that submitted State Implementation Plans (SIPs) cannot be used for conformity determinations until EPA has affirmatively found them adequate. As a result of our finding, Metro-East St. Louis can use the motor vehicle emissions budgets from the submitted 1-hour ozone maintenance plan for future conformity determinations. These budgets are effective February 17, 2005. The finding and the response to comments will be available at EPA's conformity Web site: <http://www.epa.gov/otaq/transp.htm>, (once there, click on the “Conformity” button, then look for “Adequacy Review of SIP Submissions for Conformity”).

**FOR FURTHER INFORMATION CONTACT:** Anthony Maietta, Life Scientist, Criteria Pollutant Section (AR-18J), Air Programs Branch, Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353-8777, [Maietta.anthony@epa.gov](mailto:Maietta.anthony@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document, whenever “we”, “us” or “our” is used, we mean EPA.

#### Background

Today's notice is simply an announcement of a finding that we have already made. EPA Region 5 sent a letter to the Illinois Environmental Protection Agency on January 10, 2005, stating that the motor vehicle emissions budgets in the Metro-East St. Louis, Illinois submitted 1-hour ozone maintenance plan for 2007 are adequate. This finding has been announced on EPA's conformity Web site: <http://www.epa.gov/otaq/transp.htm>, (once there, click on the “Conformity” button, then look for “Adequacy Review of SIP Submissions for Conformity”).

Transportation conformity is required by section 176(c) of the Clean Air Act. EPA's conformity rule requires that transportation plans, programs, and projects conform to state air quality implementation plans and establishes the criteria and procedures for determining whether or not they do. 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.