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*Protest Date:* 5 p.m. eastern time on March 28, 2005.

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

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BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Western Area Power Administration

#### Desert Southwest Customer Service Region-Rate Order No. WAPA-121

**AGENCY:** Western Area Power Administration, DOE.

**ACTION:** Notice of order extending network integration transmission and ancillary services rates.

**SUMMARY:** This action is to extend the existing Rate Schedules PD-NTS1, INT-NTS1, DSW-SD1, DSW-RS1, DSW-FR1, DSW-EI1, DSW-SPR1, and DSW-SUR1 for the Desert Southwest Customer Service Region (DSW) network integration transmission services (NTS) for the Parker-Davis Project (P-DP) and the Pacific Northwest-Pacific Southwest Intertie Project (Intertie) and ancillary services for the Western Area Lower Colorado control area through March 31, 2006. The additional time is needed to accommodate the extension of the Multi-System Transmission Rate (MSTR) Public Process.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jack Murray, Rates Team Lead, Desert Southwest Customer Service Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005-6457, (602) 605-2442, e-mail [jmurray@wapa.gov](mailto:jmurray@wapa.gov).

**SUPPLEMENTARY INFORMATION:** Under the Department of Energy (DOE) Organization Act, the Secretary has the authority to confirm, approve and place into effect power and transmission rates for the Western Area Power Administration (Western). Existing rates are normally extended by the Deputy Secretary under Delegation Order Nos. 00-037.00, approved December 6, 2001, and 00-001.00A, approved September 17, 2002. As the nominee for Deputy Secretary has not yet been confirmed by the Senate, I have extended the rates through March 31, 2006.

Pursuant to applicable Delegation Orders and existing DOE procedures for public participation in power and transmission rate adjustments in 10 CFR part 903, Western's rate methodology for network integration transmission and ancillary services was submitted to the Federal Energy Regulatory Commission (Commission) for confirmation and approval on May 3, 1999, as supplemented on May 21, 1999. On January 20, 2000, in Docket No. EF99-5041-000, at 90 FERC 62,032, the Commission issued an order confirming, approving, and placing in effect on a final basis Western's rate schedules for transmission and ancillary services from Western's Desert Southwest Customer Service Region. Rate Order No. WAPA-84 was approved for a 5-year period, beginning April 1, 1999, and ending March 31, 2004. On March 22, 2004, the Deputy Secretary of Energy extended the rates until March 31, 2005, under Rate Order No. WAPA-112.

Western has entered into a public process proposing a MSTR for cost recovery purposes for the P-DP, the Intertie, and the Central Arizona Project. That process has been extended to evaluate comments received during the comment period. The rate order for network transmission and ancillary services must be able to accommodate the modifications in the MSTR. Western believes that the additional time afforded by extending the rate for network integration transmission and ancillary services will allow Western to design these rates to ensure cost recovery regardless of the transmission rate methodology which the public process yields.

Western's existing formulary network integration transmission and ancillary service schedules, which are recalculated annually, would sufficiently recover project expenses (including interest) and capital requirements through March 31, 2006.

Following review of Western's proposal within the DOE, I approve Rate Order No. WAPA-121, which extends the existing Network Integration

Transmission and Ancillary Services Rates through March 31, 2006.

Dated: March 14, 2005.

**Samuel W. Bodman,**  
*Secretary.*

#### Order Confirming and Approving an Extension of the Desert Southwest Customer Service Region Network Integration Transmission and Ancillary Services Rates

These service rate methodologies were established following section 302 of the Department of Energy (DOE) Organization Act, (42 U.S.C. 7152). This Act transferred to and vested in the Secretary of Energy (Secretary) the power marketing functions of the Secretary of the Department of the Interior and the Bureau of Reclamation under the Reclamation Act of 1902 (ch. 1093, 32 Stat. 388), as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)), and other Acts that specifically apply to the project system involved.

Under the Department of Energy Organization Act, the Secretary has the authority to confirm, approve and place into effect power and transmission rates for the Western Area Power Administration (Western).

#### Background

The existing rate, Rate Order No. WAPA-84, was approved for 5 years, beginning April 1, 1999, and ending March 31, 2004. On March 22, 2004, the Deputy Secretary of Energy extended the rates under 10 CFR 903.23(b) until March 31, 2005, under Rate Order No. WAPA-112.

#### Discussion

Western has entered into a public process proposing an MSTR for cost recovery purposes for the P-DP, the Intertie, and the Central Arizona Project. That process has been extended to evaluate comments received during the comment period. The rate order for network transmission and ancillary services must be able to accommodate the modifications in the MSTR. Western believes that the additional time afforded by extending the rate for network integration transmission and ancillary services will allow Western to develop these rates to facilitate cost recovery.

Therefore, time requirements make it necessary to extend the current rates. Upon its approval, Rate Order No. WAPA-112 will be extended under Rate Order No. WAPA-121.

**Order**

In view of the above, I hereby extend for a period effective from April 1, 2005, and ending March 31, 2006, the existing Ancillary Rate Schedules DSW-SD1, DSW-RS1, DSW-FR1, DSW-EI1, DSW-SPR1, DSW-SUR1, and the existing network integration transmission rate schedules PD-NTS1, and INT-NTS1.

Dated: March 14, 2005.

**Samuel W. Bodman,**

Secretary.

[FR Doc. 05-6035 Filed 3-25-05; 8:45 am]

BILLING CODE 6450-01-P

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-7889-6]

**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" or "CAA"), 42 U.S.C. 7413(g), notice is hereby given of a proposed consent decree, to address a lawsuit filed by Environmental Defense and American Lung Association (jointly referred to as the "Plaintiffs"): *Environmental Defense and American Lung Association v. Johnson*, No. 1:05CV00493 (D.D.C.). On March 10, 2005, the Plaintiffs filed a complaint to compel EPA to make a determination as to whether each state has submitted state implementation plans ("SIPs") required by section 110(a) of the CAA for the national ambient air quality standards for fine particles ("PM-2.5 NAAQS") and for ozone ("8-hour ozone NAAQS") (jointly referred to as the "1997 NAAQS").

**DATES:** Written comments on the proposed consent decree must be received by April 27, 2005.

**ADDRESSES:** Submit your comments, identified by docket ID number OGC-2005-0004, 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:**

Geoffrey L. Wilcox, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Telephone: (202) 564-5601.

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

The proposed consent decree establishes a deadline of March 15, 2005 for the signature of a notice of EPA's determination pursuant to CAA section 110(k)(1)(B) as to whether each state has submitted the SIP revisions required by CAA section 110(a)(2)(D)(i) for the implementation, maintenance, and enforcement of the 1997 NAAQS that meet the minimum criteria promulgated by EPA pursuant to CAA section 110(k)(1)(A).

The proposed consent decree establishes a deadline of December 15, 2007, with respect to SIPs for the 8-hour ozone NAAQS, and October 5, 2008, with respect to SIPs for the PM-2.5 NAAQS, for the signature of a notice of EPA's determination pursuant to CAA section 110(k)(1)(B) as to whether each state has submitted the remaining SIP revisions required by CAA section 110(a)(2) for the implementation, maintenance, and enforcement of the 1997 NAAQS that meet the minimum criteria promulgated by EPA pursuant to CAA section 110(k)(1)(A). The foregoing obligation excludes any determinations regarding state submissions required by section 110(a)(2)(C) to the extent that subsection refers to a permit program as required in Part D of Title I of the CAA and to section 110(a)(2)(I).

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 determines, 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-2005-0004 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.

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.