

## DEPARTMENT OF ENERGY

Federal Energy Regulatory  
Commission

[Project No. 2634]

**Great Northern Paper, Inc.; Notice of  
Modifying a Restricted Service List for  
Comments on a Programmatic  
Agreement for Managing Properties  
Included in or Eligible for Inclusion in  
the National Register of Historic Places**

November 21, 2001.

On September 24, 2001, the Federal Energy Regulatory Commission (Commission) issued a notice for the Storage Project (FERC No. 2634-007) proposing to establish a restricted service list for the purpose of developing and executing a Programmatic Agreement (PA) for managing properties included in or eligible for inclusion in the National Register of Historic Places. The Storage project is located in Piscataquis and Somerset Counties in Maine. Great Northern Paper, Inc. is the licensee.

Rule 2010 of the Commission's rules of practice and procedure provides that, to eliminate unnecessary expense or improve administrative efficiency, the Secretary may establish a restricted service list for a particular phase or issue in a proceeding.<sup>1</sup> The restricted service list should contain the names of persons on the service list who, in the judgment of the decisional authority establishing the list, are active participants with respect to the phase or issue in the proceeding for which the list is established. The following changes in the existing restricted service list are noted.

Delete "Richard H. Hamilton, Chief, Penobscot Indian Nation, 6 River Road; Indian Island, Old Town, Maine 04468" and replace with "Barry Dana, Chief, Penobscot Indian Nation, River Road; Indian Island, Old Town, Maine 04468".

Delete "Jim Harriman, U.S. Bureau of Indian Affairs, Eastern Area Office, M.S. 260-VASQ, 3701 Fairfax Drive, Arlington, Virginia 22203-1700" and replace with "Franklin Keel, Bureau of Indian Affairs, Eastern Regional Office, 711 Stewarts Ferry Pike, Nashville, Tennessee 37214".

Add "Kevin R. Mendik, National Park Service, Northeast Field Office, 15 State Street, Boston, Massachusetts 02109".

Add "Land and Water Associates, 9 Union Street, Hallowell, Maine 04347".

Add "M. Kirstin Rohrer, Office of the Solicitor, MS-6456, 1849 C St., NW, Washington, DC 20240".

Add "Judith M. Stolfo, Office of the Regional Solicitor, One Gateway Center, Suite 612, Newton, Massachusetts 02458-02802".

As a result of these changes, the revised final restricted service list for purposes of commenting on the PA, for Project No. P-2634 is as follows:

Dr. Laura Henley Dean, Advisory Council on Historic Preservation, The Old Post Office Building, Suite 803, 1100 Pennsylvania Avenue, NW, Washington, DC 20004.

Earle G. Shettleworth, Jr., State Historic Preservation Officer, Maine Historic Preservation Commission, 55 Capitol Street, 65 State House Station, Augusta, Maine 04333.

Brian R. Stetson, Manager of Environmental Affairs, Great Northern Paper, Inc., Engineering and Research Building, 1 Katahdin Ave., Millinocket, Maine 04462-1373.

Gregory W. Sample, Drummond Woodsum & MacMahon, 245 Commercial Street, P.O. Box 9781, Portland, Maine 04104-5081.

Land and Water Associates, 9 Union Street, Hallowell, Maine 04347.

M. Kirstin Rohrer, Office of the Solicitor, MS-6456, 1849 C St., NW, Washington, DC 20240.

Judith M. Stolfo, Office of the Regional Solicitor, One Gateway Center, Suite 612, Newton, Massachusetts 02458-02802.

Barry Dana, Chief, Penobscot Indian Nation, River Road; Indian Island, Old Town, Maine 04468.

Franklin Keel, Bureau of Indian Affairs, Eastern Regional Office, 711 Stewarts Ferry Pike, Nashville, Tennessee 37214.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

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**ENVIRONMENTAL PROTECTION  
AGENCY**

[FRL-7109-5]

**Proposed Settlement Agreement**

**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, 42 U.S.C. 7413(g), notice is hereby given of a proposed settlement agreement in *Pharmaceutical Research and Manufacturers of America v. United States Environmental Protection Agency*, No. 99-1537 (D.C. Circuit). This

case concerns the National Emission Standard for Hazardous Air Pollutants ("NESHAP") for Publicly Owned Treatment Works ("POTW"), 40 CFR subpart VVV. The proposed settlement agreement was lodged with the United States Court of Appeals for the District of Columbia Circuit on November 16, 2001.

**DATES:** Written comments on the proposed settlement agreements must be received by December 28, 2001.

**ADDRESSES:** Written comments should be sent to Timothy D. Backstrom, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. A copy of the proposed settlement agreement is available from Phyllis J. Cochran, (202) 564-5566. A copy of the proposed settlement agreement was also lodged in the case with the Clerk of the United States Court of Appeals for the District of Columbia Circuit on November 16, 2001.

**SUPPLEMENTARY INFORMATION:** EPA promulgated the National Emission Standard for Hazardous Air Pollutants ("NESHAP") for Publicly Owned Treatment Works ("POTW"), 40 CFR subpart VVV, on October 26, 1999, 64 FR 57579. Pharmaceutical Research and Manufacturers of America ("PhRMA") then petitioned for judicial review of this standard in the DC Court of Appeals.

The POTW MACT standard included separate maximum available control technology ("MACT") requirements for "industrial POTWs," which accept wastewater for treatment from sources like the pharmaceutical manufacturers who are subject to other MACT standards. The POTW standard also included a provision stating that industrial POTWs which accept wastewater from major sources for treatment are also considered to be major sources, which was intended to assure that such POTWs would be subject to direct enforcement. PhRMA challenged this provision based on concern that POTWs which thereby become major sources could be subject to additional requirements like permitting and might therefore decline to accept wastewater from PhRMA members.

The settlement agreement addresses the PhRMA concerns by proposing to rescind the applicability provision that classifies industrial POTWs which accept wastewater from major sources as major sources. The original objective of assuring that MACT requirements will be directly enforceable for industrial

<sup>1</sup> 18 CFR 385.2010.