

an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

p. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

q. 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.

r. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "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., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. 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. 01-18031 Filed 7-18-01; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RM98-1-000]

#### Regulations Governing Off-the-Record Communications; Public Notice

July 13, 2001.

This constitutes notice, in accordance with 18 CFR 385.2201(h), of the receipt of exempt and prohibited off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive an exempt or a prohibited off-the-record communication relevant to the merits of a contested on-the-record proceeding, to deliver a copy of the communication, if written, or a summary of the substance of any oral communication, to the Secretary.

Prohibited communications will be included in a public, non-decisional file associated with, but not part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such requests only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication should serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications will be included in the decisional record of the proceeding,

unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of exempt and prohibited off-the-record communications received in the Office of the Secretary within the preceding 14 days. The documents may be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

#### Exempt

1. Project No. 2835-005; 07-03-01; Jack Hannula.
2. Project No. 2016; 07-05-01; Allyson Brooks.
3. CP00-412-000; 07-12-01; David Swearingen.
4. Project No. 2055; 07-11-01; John Sullivan.
5. DO01-2-000; 07-13-01; Dean Schnitzler.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01-18024 Filed 7-18-01; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7014-7]

### Agency Information Collection Activities: Submission for OMB Review; Comment Request; Compliance Assistance Surveys for the Marina, Metal Finishing, Construction Site, and Auto Salvage Yard Sectors

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Compliance Assistance Surveys for the Marina, Metal Finishing, Construction Site, and Auto Salvage Yard Sectors (EPA ICR Number 2021.01). The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

**DATES:** Comments must be submitted on or before August 20, 2001.

**ADDRESSES:** Send comments, referencing EPA ICR No. 2021.01 to the following addresses: Sandy Farmer, U.S.

Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** For a copy of the ICR contact Sandy Farmer at EPA by phone at (202) 260-2740, by E-mail at Farmer.Sandy@epamail.epa.gov, or download off the Internet at <http://www.epa.gov/icr> and refer to EPA ICR No. 2021.01. For technical questions about the ICR contact Lynn Vendinello on (202) 564-7066.

**SUPPLEMENTARY INFORMATION:**

*Title:* Compliance Assistance Surveys for the Marina, Metal Finishing, Construction Site, and Auto Salvage Yard Sectors (EPA ICR Number 2021.01). This is a new collection.

*Abstract:* EPA's Office of Compliance (OC) is interested in testing methods for collecting outcome data from their compliance assistance efforts. OC is planning to conduct surveys to three sectors to compare two survey methodologies: mailed surveys using the "total design method" and surveys conducted as on-site visits. EPA will also use the survey results to evaluate the impact of compliance assistance activities on facilities in these sectors. These surveys will support OC in collecting statistically valid compliance assistance outcome data needed to present the impacts of compliance assistance for Government Performance and Results Act (GPRA) reporting purposes. OC is interested in conducting the surveys for sectors in three stages of analysis/activity: (1) A sector for which OC is beginning a compliance assistance effort (marinas); (2) a sector for which OC/EPA have conducted several compliance assistance activities (metal finishing); and (3) a sector for which OC doesn't have sufficient information to determine compliance assistance needs (either construction sites or auto salvage yards).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on March 23, 2001 (66 FR 16223). EPA received two written comments; one from the

Automotive Recyclers Association and the other from the Institute of Scrap Recycling Industries. EPA also met with and received comment from Christian Richter of The Policy Group which represents the Association of Electroplaters and Surface Finishers, National Association of Metal Finishers, and Metal Finishers Suppliers Association.

*Burden Statement:* The annual public reporting and record keeping burden for this collection of information is estimated to average 1 hour per response for the mailed surveys in each sector and 4 hours per response for the site visit surveys in each sector. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

*Respondents/Affected Entities:* Marina, Metal Finishing, Construction Site, and Auto Salvage Yard Sectors.

*Estimated Number of Respondents:* 700.

*Frequency of Response:* Once.

*Estimated Total Annual Hour Burden:* 1,900 hours.

*Estimated Total Annualized Capital, Operating/Maintenance Cost Burden:* 0.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the addresses listed above. Please refer to EPA ICR No. 2021.01 in any correspondence.

Dated: July 10, 2001.

**Oscar Morales,**

*Director, Collection Strategies Division.*

[FR Doc. 01-18096 Filed 7-18-01; 8:45 am]

**BILLING CODE 6560-50-U**

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-7013-2]

**Proposed Settlement Agreement, Clean Air Act Citizen Suit**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of proposed settlement agreement; 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 Settlement Agreement, which was filed with the United States Court of Appeals for the District of Columbia Circuit by the United States Environmental Protection Agency ("EPA") on June 29, 2001, to address a lawsuit filed by the Clean Air Implementation Project and the National Environmental Development Association's Clean Air Regulatory Project (collectively referred to as the "Project"). The Project filed a petition for review pursuant to section 307(b) of the Act, 42 U.S.C. 7607(b), challenging EPA's policy, "State Implementation Plans: Policy Regarding Excess Emissions During Malfunction, Startup and Shutdown," ("1999 Policy"), which is dated September 20, 1999. *Clean Air Implementation Project v. EPA*, No. 99-1470 (D.C. Cir.). The 1999 Policy clarifies the types of provisions addressing emissions in excess of applicable emission limits that EPA believes may appropriately be approved as part of a state implementation plan ("SIP").

**DATES:** Written comments on the proposed Settlement Agreement must be received by August 20, 2001.

**ADDRESSES:** Written comments should be sent to Jan M. Tierney, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC. 20460. Copies of the proposed Settlement Agreement are available from Phyllis J. Cochran, (202) 564-5566. A copy of the proposed Settlement Agreement was filed with the Clerk of the United States Court of Appeals for the District of Columbia Circuit on June 29, 2001.

**SUPPLEMENTARY INFORMATION:** The Project alleges that EPA's issuance of the 1999 Policy was arbitrary and capricious and in excess of EPA's statutory authority. EPA issued the 1999 Policy to clarify issues that had arisen since the Agency's pronouncement on the same issues in 1982 and 1983 in two memoranda issued by Kathleen Bennett, who at that time was the Assistant