

agency's comments must also be sent to the Applicant's representatives.

**David P. Boergers,**  
Secretary.

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Application Accepted for Filing and Soliciting Comments, Protests, and Motions To Intervene

August 1, 2001.

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

- a. *Type of Application:* Preliminary Permit
- b. *Project No.:* 12085-000
- c. *Date filed:* July 13, 2001
- d. *Applicant:* Mark R. Frederick
- e. *Name of Project:* Halsey Afterbay Outlet Power Project
- f. *Location:* Would utilize outflow from the existing afterbay of the Halsey Powerhouse of Pacific Gas & Electric Company's Drum-Spaulding Project No. 2310, in Placer County, California.
- g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. §§ 791(a)-825(r).
- h. *Applicant Contact:* Mr. Mark R. Frederick, 17825 Crother Hills Road, Meadow Vista, CA 95722, (530) 887-1984.
- i. *FERC Contact:* James Hunter, (202) 219-2839.
- j. *Deadline for filing motions to intervene, protests, and comments:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. 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. Please include the project number (P-12085-000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing a document with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they

must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project, using outflow from Pacific Gas & Electric Company's existing Halsey Afterbay, would consist of: (1) a proposed 300-kilowatt generating unit placed in the existing outfall conduit from the Afterbay, (2) a proposed 4-foot-diameter draft tube emptying into the Wise Canal, (3) a proposed 50-foot-long transmission line, and (4) appurtenant facilities. The project would have an annual generation of 2.6 GWh that would be sold to Pacific Gas & Electric Company or a power distributor.

l. Copies of this filing are on file with the Commission and are available for public inspection. This filing may be viewed on the Commission's web site at <http://www.ferc.gov> using the "RIMS" link, select "Docket #" and follow the instructions ((202) 208-2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. *Preliminary Permit*—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

n. *Preliminary Permit*—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

o. *Notice of intent*—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, 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.

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7025-7]

### Federal NO<sub>x</sub> Budget Trading Program: Applicability Determination

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

**ACTION:** Notice of applicability determination under Federal NO<sub>x</sub> Budget Trading Program.

**SUMMARY:** EPA established 40 CFR part 97, the Federal NO<sub>x</sub> Budget Trading Program ("the Program"), to reduce interstate transport of ozone under section 126 of the Clean Air Act ("section 126"). The Program applies to existing or new large electric generating units ("EGU's") and large non-EGU's in states subject to section 126. EPA finds, in an applicability determination dated August 1, 2001, that Point 004 at International Paper's Plant 0006 in Virginia is not subject to the Program because, as a unit that commenced operation before January 1, 1996, it is not "fossil-fuel fired" as defined at 40 CFR 97.2, since fossil fuel did not comprise more than 50% (47.84%) of Point 004's total annual heat input for 1995. Since Point 004 is not subject to the Program, NO<sub>x</sub> allowances will not be allocated for this unit in EPA's NO<sub>x</sub> Allowance Tracking System.

**DATES:** Any comments regarding this applicability determination must be submitted in writing to EPA at the address below no later than August 31, 2001.

**ADDRESSES:** U.S. EPA, Clean Air Markets Division (6204N), 1200 Pennsylvania Avenue, NW., Washington DC, 20460.

**FOR FURTHER INFORMATION CONTACT:** Robert Miller, U.S. EPA Headquarters, Clean Air Markets Division, (202) 564-9077.

Dated: July 31, 2001.

**Brian J. McLean,**

Director, Acid Rain Division, Office of Atmospheric Programs, Office of Air and Radiation.

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7025-6]

### Science Advisory Board; Notification of Public Advisory Committee Meeting

Pursuant to the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Research Strategies Advisory Committee (RSAC) of the US EPA Science Advisory Board (SAB), will meet on Wednesday, August 29, 2001 in the Oklahoma Room at the Environmental Protection Agency's Region 6 Office which is located at 1445 Ross Avenue, Dallas, Texas 75202. The meeting will begin by 8:30 a.m. and adjourn no later than 5 p.m. Central Time. The meeting is open to the public, however, seating is limited and available on a first come basis.

**Purpose of the Meeting**—The RSAC plans to hold a consultation with the Office of the Inspector General's Office to explore how science might be better used to inform Agency decisions.

**Charge to the Committee**—Conduct a consultation with the Office of Inspector General's Office about how science might be better used to inform Agency decisions.

**For Further Information**—Any member of the public wishing further information concerning this meeting should contact Dr. John "Jack" R. Fowle III, Designated Federal Officer, Science Advisory Board (1400A), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone (202) 564-4547; FAX (202) 501-0323; or via e-mail at [fowle.jack@epa.gov](mailto:fowle.jack@epa.gov). For a copy of the draft meeting agenda, please contact Ms. Wanda Fields, Management Assistant at (202) 564-4539 or by FAX at (202) 501-0582 or via e-mail at [fields.wanda@epa.gov](mailto:fields.wanda@epa.gov).

Materials that are the subject of this review are available from Dr. Jay Messer of the U.S. Environmental Protection Agency at (919) 541-1425 or by e-mail at [messer.jay@epa.gov](mailto:messer.jay@epa.gov).

**Providing Oral or Written Comments**—Members of the public who wish to make a brief oral presentation (10 minutes or less) to the Committee must contact Dr. Fowle *in writing* (by letter or by fax—see contact information above) no later than 12 noon Eastern Time, Wednesday, August 22, 2001 in order to be included on the Agenda. The request should identify the name of the individual who will make the presentation, the organization (if any) they will represent, any requirements for audio visual equipment (e.g., overhead projector, 35mm projector, chalkboard, etc), and at least 35 copies

of an outline of the issues to be addressed or the presentation itself. Written comments will be accepted until close of business August 29, 2001. See below for more information on providing written or oral comments.

### Providing Oral or Written Comments at SAB Meetings

It is the policy of the Science Advisory Board to accept written public comments of any length, and to accommodate oral public comments whenever possible. The Science Advisory Board expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements. **Oral Comments:** In general, each individual or group requesting an oral presentation at a face-to-face meeting will be limited to a total time of ten minutes. For teleconference meetings, opportunities for oral comment will usually be limited to no more than three minutes per speaker and no more than fifteen minutes total. Deadlines for getting on the public speaker list for a meeting are given above. Speakers should bring at least 35 copies of their comments and presentation slides for distribution to the reviewers and public at the meeting. **Written Comments:** Although the SAB accepts written comments until the date of the meeting (unless otherwise stated), written comments should be received in the SAB Staff Office at least one week prior to the meeting date so that the comments may be made available to the committee for their consideration. Comments should be supplied to the appropriate DFO at the address/contact information noted above in the following formats: one hard copy with original signature, and one electronic copy via e-mail (acceptable file format: WordPerfect, Word, or Rich Text files (in IBM-PC/Windows 95/98 format). Those providing written comments and who attend the meeting are also asked to bring 25 copies of their comments for public distribution.

**General Information**—Additional information concerning the Science Advisory Board, its structure, function, and composition, may be found on the SAB Website (<http://www.epa.gov/sab>) and in The FY2000 Annual Report of the Staff Director which is available from the SAB Publications Staff at (202) 564-4533 or via fax at (202) 501-0256. Committee rosters, draft Agendas and meeting calendars are also located on our website.

**Meeting Access**—Individuals requiring special accommodation at this meeting, including wheelchair access to the conference room, should contact Dr.