

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****Notice of Application Accepted for Filing and Soliciting Comments, Protests, and Motions to Intervene**

November 2, 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.*: 12118-000.

c. *Date filed*: September 7, 2001.

d. *Applicant*: Northern California Hydro Developers.

e. *Name and Location of Project*: The Robley Point Project would be located on the West Branch Feather River in Butte County, California near the Town of Paradise and would use U.S. Forest Service land within the Plumas National Forest.

f. *Filed Pursuant to*: Federal Power Act, 16 USC §§ 791(a)—825(r).

g. *Applicant contact*: Mr. Daniel L. Ostrander, 12750 Quail Run Drive, Chico, California 95928, (530) 345-7029, fax (530) 345-1119.

h. *FERC Contact*: Tom Papsidero, (202) 219-2715.

i. *Deadline for filing comments, protests, and motions to intervene*: 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-12118-000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing documents 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.

j. *Description of Project*: The proposed run-of-river project would consist of: (1) A proposed intake structure located at a natural pool on the West Branch Feather

River, (2) a proposed 900-foot-long, 84-inch-diameter concrete pipe, (3) a proposed 4,200-foot-long, 8-foot-diameter tunnel bored through Robley Point, (4) a proposed 24,000-foot-long, 84-inch-diameter pipeline, (5) a proposed 900-foot-long penstock, (6) a proposed powerhouse containing two generating units having a total installed capacity of 20.1 MW, (7) a proposed 23,000-foot-long, 60-kV transmission line interconnecting to a 60-kV line belonging to Pacific Gas and Electric Co., and (8) appurtenant facilities. The project would have an annual generation of 55 GWh.

k. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208-1371. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at <http://www.ferc.gov> using the "RIMS" link, select "Docket#" and follow the instructions (call 202-208-2222 for assistance). A copy is also available for inspection and reproduction at the address in item g above.

l. *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.

m. *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.

n. *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.

o. *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.

p. *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, 385.211, 385.214. 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.

q. *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.

r. *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.

Linwood A. Watson, Jr.,

Acting Secretary.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7100-3]

EPA Science Advisory Board; Notification of Public Advisory Committee Meeting

Action—Notification of a meeting to conduct an EPA Science Advisory Board (SAB) review of elements associated with EPA's proposed rules on the: (1) Stage 2 Disinfectants and Disinfection Byproducts Rule (S2DBPR) and (2) the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR).

Drinking Water Committee Meeting

Pursuant to the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Drinking Water Committee of the EPA Science Advisory Board (SAB) will meet from December 10 through 12, 2001. The meeting will be held at the Embassy Suites LAX Hotel, 9801 Airport Blvd., Los Angeles, CA 90045, telephone: (310) 215-1000. All times noted are Pacific Standard Time. The meeting is open to the public; however, seating is limited and available on a first come basis. *Important Notice:* Documents that are the subject of SAB reviews are normally available from the originating EPA office and are not available from the SAB Office—information concerning availability of documents from the relevant Program Office is included below.

Background Information—The U.S. Environmental Protection Agency (EPA) Science Advisory Board (SAB) initiated two reviews for the EPA Office of Water (OW) in a planning meeting that took place on September 25 and 26, 2001. As noted in the meeting announcement (July 27, 2001, 66 FR 39163) this September meeting was originally intended as a two-day face-to-face meeting to start the deliberative phase of the review. However, because of circumstances surrounding the September 11, 2001 national tragedies,

this meetings were conducted in abbreviated form by telephone conference to plan for and to schedule the detailed review (see the minutes of this meeting on the EPA SAB Website at www.epa.gov/sab/dwc92501m.pdf).

In the discussion below, we provide information on the charge that has been given to the SAB and a summary of the background for each proposal.

1. Long Term 2 Enhanced Surface Water Treatment Rule

(a) General Information: The Safe Drinking Water Act requires EPA to develop National Primary Drinking Water Regulations for contaminants which have an adverse effect on the health of persons and where regulation provides a meaningful opportunity for public health protection. EPA is developing a Long Term 2 Enhanced Surface Water Treatment Rule to provide for increased protection of public water systems against microbial pathogens, with a specific focus on *Cryptosporidium*. The intent of the proposed LT2ESWTR is to supplement existing surface water treatment rules through establishment of targeted treatment requirements for systems with greater vulnerability to *Cryptosporidium*. Such systems include those with high source water pathogen levels and those that do not provide filtration. In addition, consistent with SDWA requirements for risk balancing, EPA will propose and finalize the LT2ESWTR simultaneously with the Stage 2 Disinfectants and Disinfection Byproducts Rule. This coordinated approach is designed to ensure that systems maintain adequate microbial protection while reducing risk from disinfection byproducts. A Federal Stakeholder Advisory Committee reached an Agreement in Principle during September 2000 with recommendations for both rules (65 FR 83015-83024).

(b) Charge—Long Term 2 Enhanced Surface Water Treatment Rule: EPA requested the SAB to comment on the following parts of the Agency's LT2ESWTR proposal and supporting documents: (1) The analysis of *Cryptosporidium* occurrence; (2) the pre- and post-LT2ESWTR *Cryptosporidium* risk assessment; and (3) the treatment credits for microbial toolbox options.

2. Stage 2 Disinfectants and Disinfection Byproduct Rule Proposal

(a) General Information: The 1996 Amendments to the Safe Drinking Water Act require EPA to promulgate a Stage 2 Disinfectants and Disinfection Byproducts Rule (section 1412(b)(2)(C))

by May 2002. The intent of the proposed S2DBPR is to reduce the variability of exposure to disinfection byproducts (DBPs) for people served by different points in the distribution systems of public water supplies. EPA believes that this decreased exposure will result in reduced risk from reproductive and developmental health effects and cancer. EPA is required under the Safe Drinking Water Act to promulgate the rule as the second part of a staged set of regulations addressing DBPs. Consistent with SDWA requirements for risk balancing, EPA will propose and finalize the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) at the same time as the Stage 2 DBP Rule in order to ensure parallel protection from microbial and DBP risks. A Federal Stakeholder Advisory Committee reached an Agreement in Principle in September 2000 with recommendations for both proposed rules (65 FR 83015-83024).

(b) Charge—Stage 2 Disinfectants and Disinfection Byproduct Rule Proposal: EPA requested the SAB to comment on (1) whether the locational running annual average (LRAA) standards for total trihalomethanes (TTHMs) and haloacetic acids (HAA5), in conjunction with the initial distribution system evaluation (IDSE) of the proposed Stage 2 DBPR, more effectively achieves public health protection than the current running annual average (RAA) standards, given the existing knowledge of DBP occurrence and the available health effects data, and (2) whether the IDSE is capable of identifying new compliance monitoring points that target high TTHM and HAA5 levels and whether it is the most appropriate tool available to achieve this objective.

Process to be followed by the SAB for this Review: (a) As stated earlier in this notice, this review was planned during the September 25 and 26, 2001 telephone conference call meeting. In this meeting, the standing Drinking Water Committee of the SAB received introductory briefings by EPA representatives on both rules and the Agency charge. The DWC members engaged in discussions with EPA representatives that clarified the charge and certain of the background materials that were earlier delivered by EPA to the Committee.

During the meeting, the Drinking Water Committee, established five subgroups, one to address each of the five agency charge questions. They also decided on the expertise needs for each. The makeup of the Subgroups and the expertise needs are discussed in the meeting minutes cited above in this notice.