

riparian habitat and special status species, dated October 23, 2000, by C. Overby and J. Agyagos, filed on October 24, 2000.

(25) Summary of January 10, 2001, technical conference, issued on February 8, 2001.

(26) Declaratory Order, issued on December 20, 2001.

For further information, please contact Dianne Rodman at (202) 502-6077.

**Magalie R. Salas,**

*Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RM98-1-000]

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

April 29, 2003.

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 prohibited and exempt communications recently received in the Office of the Secretary. The communications listed are grouped by docket numbers. These filings are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "FERRIS" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208-3676, or for TTY, contact (202) 502-8659.

#### EXEMPT

Docket No.	Date filed	Presenter or requester
1. CP02-90-000/001.	4-18-03	David Swearingen.
2. CP02-90-000.	4-18-03	James Martin.
3. CP02-90-000.	4-23-03	Pamela Neubert.
4. Project No. 2042-000.	4-22-03	Nancy Kochan.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. 03-11119 Filed 5-5-03; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL -7493-1]

#### Notice of Prevention of Significant Deterioration Final Determination for the Sierra Pacific Industries Cogeneration Facility in Aberdeen, WA

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

**ACTION:** Notice of final action.

**SUMMARY:** This document announces that on January 7, 2003, the Environmental Appeals Board ("EAB") of EPA denied a petition for review of a permit issued for the Sierra Pacific Industries cogeneration facility in Aberdeen, Washington ("SPI") by the State of Washington's Department of Ecology ("Ecology") pursuant to the

Prevention of Significant Deterioration of Air Quality ("PSD") regulations. Ecology issued the PSD permit pursuant to the "Agreement for Delegation of the Federal Prevention of Significant Deterioration (PSD) Program," between EPA, Region 10 and Ecology dated February 7, 2002 ("PSD Delegation Agreement") authorized under the regulations for PSD.

**DATES:** The effective date for the EAB's decision is January 7, 2003. Judicial review of this permit decision, to the extent it is available pursuant to section 307(b)(1) of the Clean Air Act ("CAA"), may be sought by filing a petition for review in the United States Court of Appeals for the Ninth Circuit within 60 days of May 6, 2003.

**ADDRESSES:** The documents relevant to the above action are available for public inspection during normal business hours at the following address: EPA, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101. To arrange viewing of these documents, call Daniel Meyer at (206) 553-4150.

#### FOR FURTHER INFORMATION CONTACT:

Daniel Meyer, EPA, Region 10, 1200 Sixth Avenue (OAQ-107), Seattle, Washington, 98101.

**SUPPLEMENTARY INFORMATION:** This supplementary information is organized as follows:

- A. What Action is EPA Taking?
- B. What is the Background Information?
- C. What did the EAB Decide?

#### A. What Action Is EPA Taking?

We are notifying the public of a final decision by EPA's EAB on a permit issued by Ecology to SPI pursuant to the PSD regulations found at 40 CFR 52.21.

#### B. What Is the Background Information?

On October 17, 2002, Ecology issued a PSD permit pursuant to Section 165 of the CAA, 42 U.S.C. 7475, 40 CFR 52.21, and the terms and conditions of the PSD Delegation Agreement for installation and construction of a wood-waste-fired boiler and steam-driven electricity-generating turbine at SPI's cogeneration facility in Aberdeen, Washington. The facility is subject to PSD for nitrogen oxides ("NO<sub>x</sub>"), carbon monoxide ("CO"), particulate matter ("PM"), and particulate matter with an aerodynamic diameter less than 10 micrometers ("PM<sub>10</sub>"). During the public comment period preceding issuance of the permit, written comments objecting to the permit were submitted by David Fletcher and his consultant, John Williams. These comments were withdrawn in writing before the end of the public comment period. Ecology did