

Water, Friends of the River, Trout Unlimited, Sierra Club, American Whitewater, Citizens for Water, AKT Development, Chris Shutes, Richard D. Wentzel, Alice Q. Howard, and Paul J. Greger. The purpose of the Settlement Agreement is to resolve among the signatories all issues associated with issuance of a new license for the project regarding project operations, minimum streamflows, reservoir elevations, environmental restoration and enhancement measures, and recreational resource enhancements. The term of license was not resolved by the Settlement Agreement.

1. A copy of the settlement agreement is 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, contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at 1-866-208-3676, or for TTY, (202) 502-8659. A copy is also available for inspection and reproduction at the address in item h above.

Register online at <http://www.ferc.gov/esubscribenow.htm> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

m. Procedural schedule: The application will be processed according to the following Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate.

Comments on DEIS and Settlement Agreement: May 19, 2003.

Notice of the availability of the FEIS: July 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03-11122 Filed 5-5-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2069-007]

Notice of Incorporation of Documents Into the Record of the Proceeding for Project No. 2069-007

April 30, 2003.

Take notice that the following documents are incorporated into the record of the proceeding for Project No. 2069-007.

(1) Unequivocal statement of intent to file an application for new license by Arizona Public Service Company, FERC Project No. 2069, volumes 1-7, Arizona Public Service Company (APS), December 1989, filed on December 27, 1989.

(2) Application for new license for major project—existing dam Childs & Irving Hydroelectric Project, FERC Project No. 2069, volumes I-IV, Arizona Public Service Company, December 1992 (volumes I-III) and July 1993 (vol. IV), filed on December 18, 1992, and July 9, 1993, respectively.

(3) New fish habitat curves for Fossil Creek, re: relicensing of Childs-Irving Project (P-2069), filed on January 21, 1994.

(4) Scoping document 2, Childs Irving Hydroelectric Project environmental assessment, FERC Project No. 2069-003, Office of Hydropower Licensing, FERC, and Coconino National Forest, U.S. Forest Service (USFS), issued on August 17, 1994.

(5) Coconino National Forest land and resource management plan, dated August 1987, filed by the USFS on October 24, 1994.

(6) Velocity-discharge data for Fossil Creek, filed by CH2M Hill on June 29, 1995.

(7) Draft environmental assessment for hydropower license, Childs Irving Project, FERC Project No. 2069-003, Arizona. Division of Licensing and Compliance, Office of Hydropower Licensing, FERC and Beaver Creek Ranger District, Coconino National Forest, U.S. Department of Agriculture, issued August 14, 1997.

(8) Comments of John Malusa on draft environmental assessment, filed on September 15, 1997.

(9) Comments of the USFS on draft environmental assessment, filed by the Southwestern Region of USFS, Albuquerque, New Mexico, filed on September 26, 1997.

(10) Natural geochemical evolution of a travertine depositing spring: Fossil Springs, Arizona, December 1997, John Malusa, Northern Arizona University, filed by the USFS on November 12, 1997.

(11) Childs & Irving biological report, September 1998, EnviroNet, Inc., Phoenix, Arizona, filed by APS on September 11, 1998.

(12) Fossil Creek hydrology & travertine geomorphology, June 25, 1998, W.L. Bouchard & Associates, Inc., Phoenix, Arizona, filed by APS on September 11, 1998.

(13) Peregrine falcon potential nesting habitat APS Childs & Irving Hydroelectric Plants, Fossil Creek, Arizona, August 1998, EnviroNet, Inc.,

Phoenix, Arizona, filed by APS on September 11, 1998.

(14) Childs & Irving biological report—razorback sucker, October 1998, EnviroNet, Inc., Phoenix, Arizona, filed by APS on November 2, 1998.

(15) Review of Childs and Irving biological report—razorback sucker, October 1998, February 1999, Jerome A. Stefferud, filed by the USFS on February 5, 1999.

(16) APS and Tonto National Forest submittals of "Fossil Creek Flood Peaks, Current, Natural and Degraded Watershed Conditions," by Grant Loomis, dated October 1994, filed on July 23, 1999, and September 24, 1999, respectively.

(17) Additional comments on travertine deposition estimates—Fossil Creek, Arizona, September 1999, Steven T. Overby and Daniel Neary, Rocky Mountain Research Station, USFS, Flagstaff, Arizona, filed by USFS on September 13, 1999.

(18) Tonto National Forest land and resource management plan, dated October 1985, filed by the USFS on September 24, 1999.

(19) Submission of additional information from Professor W.L. Minckley, Department of Biology, Arizona State University, characterizing the existing native fish assemblage and the unprecedented opportunity to restore full flows for native fish restoration of Fossil Creek; Childs-Irving Hydroelectric Project, FERC Project No. 2069-003, Arizona, filed by the Southwest Regional Office of American Rivers, Phoenix, Arizona, on November 9, 1999.

(20) Submission of additional information from John Malusa, hydrologist, identifying inaccuracies of the APS report titled "Fossil Creek Hydrology & Travertine Geomorphology," and further characterizing the travertine deposition and erosion rates along Fossil Creek, Childs Irving Hydroelectric Project, Southwest Regional Office, American Rivers, Phoenix, Arizona, filed by American Rivers on December 21, 1999.

(21) USFS update on its involvement with the settlement discussions, filed on June 12, 2000.

(22) USFS comments on settlement agreement, filed on September 27, 2000.

(23) U.S. Fish and Wildlife Service comments on settlement agreement, filed on October 23, 2000.

(24) USFS follow-up comments on settlement agreement, including minutes of meeting of fisheries biologists re: Fossil Creek (Childs/Irving), dated May 24, 2000; and a preliminary analysis of effects of Fossil Springs dam removal alternatives on

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.

[FR Doc. 03-11123 Filed 5-5-03; 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

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 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_x"), carbon monoxide ("CO"), particulate matter ("PM"), and particulate matter with an aerodynamic diameter less than 10 micrometers ("PM₁₀"). 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