

c. *Date filed*: August 30, 2000.

d. *Applicant*: PacifiCorp.

e. *Name of Project*: Bigfork Hydroelectric Project.

f. *Location*: On the Swan River, in the Town of Bigfork, Flathead County, Montana. The project does not occupy any federal or tribal lands.

g. *Filed Pursuant to*: Federal Power Act 16 U.S.C. 791(a)—825(r).

h. *Applicant Contact*: Dave Leonhardt, Project Manager, PacifiCorp, 825 N.E. Multnomah, Suite 1500, Portland, OR 97232.

i. *FERC Contact*: Steve Hocking at (202) 219-2656 or steve.hocking@ferc.fed.us

j. *Deadline for filing comments, recommendations, terms and conditions, and prescriptions*: 60 days from the issuance of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor 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.

Comments, recommendations, terms and conditions, and prescriptions 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 (<http://www.ferc.gov>) under the "e-Filing" link.

k. This application has been accepted for filing and is ready for environmental analysis.

l. *The project consists of*: (1) A 12-foot-high, 300-foot-long concrete diversion dam with a 235-foot-long spillway; (2) a reservoir with 73 surface acres; (3) a water intake structure and 1-mile-long flowline; (4) a forebay structure that directs water into three steel penstocks; (5) a brick powerhouse with three turbine/generator units with a total installed capacity of 4,150 kilowatts; (6) a fish ladder on the right abutment (north end of the dam) and; (7) appurtenant facilities.

m. A copy of the application is on file with the Commission and is 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 h above.

n. The Commission directs, pursuant to Section 4.34(b) of the Regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. All reply comments must be filed with the Commission within 105 days from the date of this notice.

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title "COMMENTS", "REPLY COMMENTS", "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

David P. Boergers,
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

August 17, 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 recently filed in the Office of the Secretary. Copies of this filing are on file with the Commission and are available for public inspection. The documents may 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).

EXEMPT

1. Project No. 2145-041	7-16-01	Carol Gleichman.
2. Project No. 2145-041	7-16-01	Carol Gleichman.
3. Project No. 2145-041	7-16-01	Carol Gleichman.
4. Project No. 2145-041	7-16-01	Rob Salter.
5. Project No. 2042-000	7-17-01	Timothy Bachelder.
6. Project No. 1354-000	7-30-01	Van Button.
7. Project No. 2145-041	7-30-01	Tim Weaver.
8. Project No. 10865-001	8-2-01	Steven W. Reneaud.
9. CP01-176-000	8-3-01	Harry Skinner.
10. Project No. 2342-011	8-4-01	Don Klima.
11. Project No. 11563-000	8-7-01	Frank Winchell.
12. Project No. 2699-000, 2019-000	8-7-01	Frank Winchell.
13. Project No. 2661-000	8-7-01	Frank Winchell.
14. Project No. 2030-000	8-8-01	Nan Allen.
15. Project No. 2661-000	8-14-01	Dr. Knox Mellon.
16. CP01-176-000, CP01-179-000	8-14-01	Jeffrey Shenot.
17. Project No. 2030-000	8-14-01	Van Button.
18. Project No. 137-000	8-14-01	Carol Gleichman.
19. Project No. 2016-000	8-14-01	Claire Lavendel.
20. CP01-176-000	8-14-01	Barry Wenger.
21. CP01-141-000	8-14-01	Robert J. Hallock.
22. Project No. 10865-000, 11495-000	8-14-01	Cheryl Krueger.
23. Project No. 2539-000	8-15-01	Tim Welch.
24. Project No. 2146-009	8-16-01	Mary Watson Edmonds. (Vernether White).
25. Project No. 2016-000	8-16-01	Debbie Young.
26. CP01-176-000	8-16-01	Mark Kline (NRG). (Laura Turner—FERC).
27. Project No. 2699, 2019, 11563	8-16-01	Dr. Knox Mellon.
28. CP01-176-000	8-16-01	Mark Kline (NRG). (Laura Turner—FERC)
29. P-2030-000	8-16-01	Frank Winchell.

David P. Boergers,

Secretary.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7041-5]

Proposed Settlement Agreement

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed settlement; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended, 42 U.S.C. 7413(g), (the "Act"), notice is hereby given of a proposed settlement agreement in *American Forest & Paper Association, Inc., v. EPA*, No. 00-1218 (D.C. Cir.) This lawsuit, filed under section 307(b)(1) of the Act, concerns EPA's Memorandum to its Regional Offices regarding New Source Performance Standard Subpart Kb Applicability to Storage Vessels Used in the Pulp and Paper Industry. The proposed settlement agreement provides that EPA shall propose and take final action on amendments to 40 CFR part 60, Subpart Kb, §§ 60.110b *et seq.* (Subpart Kb), to exclude from its

applicability storage vessels that have a capacity less than 20,000 gallons or contain a liquid with a maximum true vapor pressure below 3.5kPa. The proposed settlement agreement was entered into on July 26, 2001.

DATES: Written comments on the proposed settlement agreements must be received by September 24, 2001.

ADDRESSES: Written comments should be sent to David J. Dickinson, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Copies of the proposed settlement agreement are available from Phyllis J. Cochran, (202) 564-7606.

SUPPLEMENTARY INFORMATION: In 1987, EPA promulgated a final rule, amended thereafter, establishing standards of performance for volatile organic liquid storage vessels (including petroleum liquid storage vessels) for which construction, reconstruction, or modification commenced after July 23, 1984 (Subpart Kb). On March 27, 2000, EPA released a document regarding the applicability of this regulation to storage vessels used in the pulp and paper industry. On May 26, 2000, the American Forest & Paper Association, Inc. filed a petition for review with the DC Circuit Court of Appeals regarding

EPA's March 27, 2000 document. Under the terms of the tentative settlement agreement noticed herein, EPA has agreed to propose to amend Subpart Kb to exclude from its applicability storage vessels that have a capacity less than 20,000 gallons or contain a liquid with a maximum true vapor pressure below 3.5 kPa and to take final action on that proposal within a reasonable time.

For a period of thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to the proposed settlement agreement from persons who were not named as parties to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed settlement agreement if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determine, following the comment period, that consent is inappropriate, the settlement agreement will then be executed by the parties.

Dated: August 14, 2001.

Alan W. Eckert,

Associate General Counsel.

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