

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****[Docket No. RM98-1-000]****Regulations Governing Off-the-Record Communications; Public Notice**

June 1, 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, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of exempt and prohibited off-the-record communications received in the Office of the Secretary within the preceding 14 days. The documents may be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

Exempt

1. EL00-95-017; 5-21-01; Barry R. Wallerstein.
2. Project No. 2042; 5-21-01; Timothy B. Bachelder.
3. CP00-165-000; 5-22-01; Roy L. Harris.
4. Project No. 2042-013; 5-22-01; Tim Welch.
5. CP00-232-001; 5-18-01; Kent P. Sanders.
6. CP00-40-002; 5-23-01; David L. Hankla.
7. Project No. 1986-010; 5-22-01; Dave Justus.

David P. Boergers,*Secretary.*

[FR Doc. 01-14350 Filed 6-6-01; 8:45 am]

BILLING CODE 6717-01-M**ENVIRONMENTAL PROTECTION AGENCY****[AL-056-200106; FRL-6993-4]****Adequacy Status of the Birmingham, AL, Ozone Attainment Demonstration for Transportation Conformity Purposes****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of adequacy.

SUMMARY: In this notice, EPA is notifying the public that we have found that the motor vehicle emissions budgets in the Birmingham, Alabama ozone attainment demonstration submitted on November 1, 2000, are adequate for conformity purposes. On March 2, 1999, the D.C. Circuit Court ruled that submitted State Implementation Plans (SIPs) cannot be used for conformity determinations until EPA has affirmatively found them adequate. As a result of our finding, the Birmingham ozone nonattainment area must use the motor vehicle emissions budgets from the submitted ozone attainment demonstration for future conformity determinations.

DATES: This finding is effective June 22, 2001.

FOR FURTHER INFORMATION CONTACT: The finding and the response to comments will be available at EPA's conformity website: <http://www.epa.gov/oms/traq>, (once there, click on the "Conformity" button, then look for "Adequacy Review of SIP Submissions for Conformity"). The SIP is available for public viewing at the United States Environmental Protection Agency, 61 Forsyth Street, SW., Atlanta, Georgia, 30303. You can request a copy of the SIP submission by contacting Kelly Sheckler, Regulatory

Planning Section, United States Environmental Protection Agency, 61 Forsyth Street, SW., Atlanta, Georgia 30303, Phone: (404) 562-9042, Fax: (404) 562-9019, E-mail: Sheckler.Kelly@epa.gov.

SUPPLEMENTARY INFORMATION:**Background**

This notice is simply an announcement of a finding that we have already made. EPA Region 4 sent a letter to the Alabama Department of Environmental Management on May 22, 2001, stating that the motor vehicle emissions budgets in the Birmingham, Alabama, ozone attainment demonstration for 2003 are adequate. This finding has been announced on EPA's conformity website referenced above.

EPA Region 4 received comments on the motor vehicle emissions budget for transportation conformity purposes contained in the Birmingham, Alabama, 1-hour ozone attainment demonstration. EPA Region 4 has prepared a response to those comments and has posted the response on the website referenced above.

Transportation conformity is required by section 176(c) of the Clean Air Act. EPA's conformity rule requires that transportation plans, programs, and projects conform to SIPs and establishes the criteria and procedures for determining whether or not they do. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

We have described our process for determining the adequacy of submitted SIP budgets in guidance (May 14, 1999 memo titled "Conformity Guidance on Implementation of March 2, 1999 Conformity Court Decision"). This guidance was used in making our adequacy determination. The criteria by which we determine whether a SIP's motor vehicle emission budgets are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4). Please note that an adequacy review is separate from EPA's completeness review, and it also should not be used to prejudge EPA's ultimate action to approve or disapprove the SIP. The SIP could later be disapproved for reasons unrelated to the transportation conformity even though the budgets have been deemed adequate.

Authority: 42 U.S.C. 7401-7671q.