

violated the Federal Power Act and prior Commission orders through seating a non-independent governance board and failure to adequately pursue payments from market participants. Mirant requested fast track processing for this complaint.

Copies of the filing were served upon the ISO, its counsel, the California Public Utilities Commission, and other interested parties.

*Comment date:* February 26, 2001, in accordance with Standard Paragraph E at the end of this notice. Answers to the complaint shall also be filed on or before February 26, 2001.

#### Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 01-3805 Filed 2-14-01; 8:45 am]

BILLING CODE 6717-01-P

#### DEPARTMENT OF ENERGY

##### Federal Energy Regulatory Commission

[Project No. 2689-021]

##### N.E.W. Hydro, Inc.; Notice of Availability of Draft Environmental Assessment and Soliciting Comments

February 9, 2001.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 (Order 486, 52 FR 47897), the Commission's Office of Energy Projects has reviewed an application to modify Article 401 of the license for the Oconto Falls Project, FERC No. 2689-021. Article 401

requires the licensee to operate the project in a run-of-river mode (ROR) with a reservoir operating range of 701.92 ± 0.3 feet NGVD. The licensee requests that Article 401 be amended to only require the minimum reservoir operating elevation of 701.62 NGVD, currently allowed by Article 401, with no maximum operating limit. The Oconto Falls Project is located in Oconto Falls, on the Oconto River, Oconto County, Wisconsin. A Draft Environmental Assessment (DEA) was prepared for the amendment request. The DEA finds the licensee's request to amend Article 401 by eliminating the maximum operating elevation, with staff's recommendations, would not constitute a major federal action significantly affecting the quality of the human environment.

The DEA was written by staff in the Office of Energy Projects, Federal Energy Regulatory Commission. Copies of the DEA can be viewed in the Public Reference Room, Room 2-A, of the Commission's offices at 888 First Street, NE., Washington, DC 20426. The DEA may also be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (please call (202) 208-2222 for assistance).

Comments on the DEA must be filed with the Commission within 40 days from the date of this notice. Comments should be addressed to: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please reference the number, P-2689-021, on any comments filed. Comments and protests 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 at <http://www.ferc.fed.us/efi/doorbell.htm>.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 01-3811 Filed 2-14-01; 8:45 am]

BILLING CODE 6717-01-M

#### DEPARTMENT OF ENERGY

##### Federal Energy Regulatory Commission

##### Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

February 9, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Minor License.

b. *Project No.:* 3516-008.

c. *Date Filed:* October 3, 2000.

d. *Applicant:* City of Hart, Michigan.

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

f. *Location:* On the South Branch of the Pentwater River, in Oceana County, near Hart, Michigan. The project does not affect federal lands.

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

h. *Applicant Contact:* Scott Huebler, City Manager, City of Hart, 407 State Street, Hart, Michigan 49420, (231) 873-2488.

i. *FERC Contact:* Steve Kartalia, (202) 219-2942 or

[stephen.kartalia@FERC.fed.us](mailto:stephen.kartalia@FERC.fed.us).

j. *Deadline for filing motions to intervene or protests:* 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 and protests 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 at <http://www.ferc.fed.us/efi/doorbell.htm>.

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.

k. This application has been accepted, but is not ready for environmental analysis at this time.

l. The existing Hart Hydroelectric Project consists of: (1) A 580-foot-long earthen dam; (2) a 40-foot-long concrete-lined spillway; (3) a 240-acre reservoir; (4) a powerhouse containing 2 S. Morgan Smith vertical shaft turbines and 2 generators, with a total hydraulic capacity of 135 cubic feet per second and an installed generating capacity of 320 kilowatts; (5) a 1-mile-long transmission line that connects the project with the Hart Diesel Plant; and (5) appurtenant facilities. The applicant estimates that the total average annual generation is between 350,000 and 400,000 kilowatthours. The project operates in a run-of-river mode and all generated power is distributed to customers of the City of Hart Electric Department via the City's transmission and distribution system.

m. 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 2-A, Washington, DC 20426, or by calling (202) 208-1371. The application may be viewed on <http://www.ferc.fed.us/online/rims.htm> (call (202) 208-2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

n. Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests 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 protests or motions to intervene must be received on or before the specified deadline date for the particular application.

All filings must (1) bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE"; (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 protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 01-3812 Filed 2-14-01; 8:45 am]

**BILLING CODE 6717-01-M**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RM98-1-000]

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

February 9, 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)(91)(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. Project No. 1962; 2-7-01; Nicholas Jayjack and Chuck Hall
2. CP01-31-000; 2-7-01; David Swearingen, FERC
3. Project No. 137; 2-5-01; Glen Caruso
5. Project No. 137; 2-7-01; Glen Caruso
6. Project No. 137; 2-5-01; Glen Caruso
7. Project No. 137; 2-5-01; Chuck Whatford
8. Project No. 137; 2-5-01; Chuck Whatford
9. Project No. 137; 2-5-01; Frank Winchell, FERC
10. Project No. 137; 2-5-01; Frank Winchell, FERC
11. Project No. 137; 2-5-01; Shelly Davis-King
12. Project No. 137; 2-5-01; Shelly Davis-King

13. Project Nos. 2777, 2061, 1975; 2-5-01; Mark Druss
14. Project Nos. 2777, 2061, 1975; 2-5-01; Susan Pengilly Neitzel
15. Project Nos. 2777, 2061, 1975; 2-5-01; Mark Druss
16. Project Nos. 2777, 2061, 1975; 2-5-01; Lorraine S. Gross
17. Project Nos. 2777, 2061, 1975; 2-5-01; Mark Druss
18. Project Nos. 2777, 2061, 1975; 2-5-01; Mark Druss
19. Project Nos. 2777, 2061, 1975; 2-5-01; Mark Druss
20. Project Nos. 2777, 2061, 1975; 2-5-01; Carol Gleichman
21. CP01-12-000; 2-2-01; Juan Polit, FERC

#### Prohibited

1. RP00-332-000; 2-5-01; Mark Lewis

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 01-3813 Filed 2-14-01; 8:45 am]

**BILLING CODE 6717-01-M**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6945-1]

### Science Advisory Board; Notification of Three Public Advisory Committee Meetings

Pursuant to the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given of three meetings of the Joint Subcommittee on Industrial Ecology and Environmental Systems Management of the US EPA Science Advisory Board's (SAB) Environmental Engineering Committee (EEC). First, the Subcommittee will meet by conference call from 1-2 p.m. on Thursday March 1, 2001. From March 21 to 23, the Subcommittee will meet face-to-face in conference room 130/138 of the National Risk Management Research Laboratory at the Environmental Protection Agency's Andrew W. Breidenback Environmental Research Facility, 26 West Martin Luther King Boulevard, Cincinnati, Ohio. The Subcommittee will convene at 8:30 a.m. on Wednesday March 21 and adjourn no later than 3 p.m. Friday March 23. The Subcommittee may begin earlier and end later otherwise as needed for the work. Finally, on Wednesday April 18 the Subcommittee will meet by conference call from 1-3 p.m.

Both conference call meetings will be coordinated through a conference call connection in room 6450C Ariel Rios North (6th Floor), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue N.W., Washington, DC. The