

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

July 19, 2002.

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 received 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**

| Docket No.                    | Date filed | Presenter or requester     |
|-------------------------------|------------|----------------------------|
| 1. CP01-415-000 .....         | 7-12-02    | Barbara Winn.              |
| 2. Project No. 1494-240 ..... | 7-16-02    | Cheryl B. Creekmore.       |
| 3. Project No. 1494-240 ..... | 7-16-02    | Stephen S. Adams.          |
| 4. Project No. 2055-000 ..... | 7-16-02    | Sandra L. Guchea.          |
| 5. Project No. 1494-233 ..... | 7-17-02    | Jim Martin (Frank Ronsse). |

**Linwood A. Watson, Jr.,***Deputy Secretary.*

[FR Doc. 02-18832 Filed 7-24-02; 8:45 am]

BILLING CODE 6717-01-P

**ENVIRONMENTAL PROTECTION  
AGENCY****[FRL-7248-1]****State Innovation Pilot Grant Program,  
Solicitation of Proposals for 2002****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

**SUMMARY:** On July 19, 2002 the U.S. Environmental Protection Agency transmitted a solicitation for proposals for a pilot grant program to support innovation by State environmental regulatory agencies—the "State Innovation Pilot Grant Program," to the fifty-five state and Territorial Secretaries or Commissioners of those agencies.

**DATES:** Respondents will have until August 19, 2002 to respond with a brief pre-proposal and budget.

**ADDRESSES:** The URL address for the solicitation package is: <http://www.epa.gov/projectxl/2002state.htm>. Copies of the solicitation package will

also be available from: Gerald Filbin (202-566-2182) ([filbin.gerald@epa.gov](mailto:filbin.gerald@epa.gov)) (FAX 202-566-2220); Office of Environmental Policy Innovation, Office of Policy Economics and Innovation; US Environmental Protection Agency (1807T); 1200 Pennsylvania Ave., NW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Gerald Filbin at 202-566-2182.

**SUPPLEMENTARY INFORMATION:** Announcement of Availability of Solicitation for Pilot State Grants Program: In April 2002, EPA issued its plan for future innovation, published as *Innovating for Better Environmental Results: A Strategy to Guide the Next Generation of Innovation at EPA* (EPA 100-R-02-002; <http://www.epa.gov/opei/strategy>). The Agency's Strategy presents a framework for innovation consisting of four major elements:

(1) Strengthen EPA's innovation partnerships with States and Tribes;  
(2) Focus on priority environmental areas:

—Reduce greenhouse gases  
—Reduce smog  
—Restore and maintain water quality  
—Reduce the cost of water and wastewater infrastructure;

(3) Diversify our environmental protection tools and approaches:

—Information resources and technology  
—Environmental technology  
—Incentives  
—Environmental Management Systems  
—Results-based goals and measures;

(4) Foster a more "innovation-friendly" organizational culture and systems.

This pilot grant program will seek to strengthen EPA's innovation partnership with States by establishing a new system of funding to facilitate State efforts to address the priority environmental areas targeted in—and use the tools highlighted in—the Strategy. EPA would like to help States build on previous experience and undertake bigger, bolder and more strategic projects which test new models for "next generation" environmental protection and promise better environmental results.

With this 2002 pilot program, EPA is exploring the use of grants and cooperative agreements to support innovation at the State level. For 2002, and contingent upon Congressional approval of a re-programming request, EPA anticipates approximately \$500,000.00 in total will be available for State innovation pilot assistance—this pilot fund will support approximately 3-7 projects that can produce results in

2–3 years. Only the States, the District of Columbia and the US Territories are eligible for this 2002 pilot grant program. It is EPA's intention to expand this pilot program to include innovation by American Indian Tribes, if funding becomes available in FY 2003.

The complete solicitation package was sent by express courier to the environmental regulatory agency Commissioners/Secretaries of every State, the District of Columbia and the Territories. It became available on the EPA's website on July 19, 2002.

Dated: July 19, 2002.

**Christopher A. Knopes,**

*Associate Director, Office of Environmental Policy Innovation.*

[FR Doc. 02–18864 Filed 7–24–02; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL–7251–2]

### Additional Data Available on Wastes Studied in the Report to Congress on Cement Kiln Dust

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

**ACTION:** Notice of data availability (NODA) and request for comments.

**SUMMARY:** This notice announces the availability for public inspection and comment, of recently acquired data on cement kiln dust (CKD) studied in the Agency's December 1993 Report to Congress on Cement Kiln Dust (see 59 FR 709, 1/6/94). The Agency is now considering an approach whereby it would finalize the proposed option of issuing the protective CKD management standards as described in the August 20, 1999 proposal (64 CFR 45632), as a RCRA Subtitle D rule. The Agency would temporarily suspend its active consideration of the proposed listing of mismanaged CKD as a hazardous waste, and assess how CKD management practices and state regulatory programs evolve over the next three to five years. Based on this assessment, EPA will then proceed to either formally withdraw or promulgate the portion of the 1999 proposal that classifies as a RCRA hazardous waste CKD that has been egregiously mismanaged.

**DATES:** Submit comments on or before September 23, 2002.

**ADDRESSES:** Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in the **SUPPLEMENTARY INFORMATION** section.

**FOR FURTHER INFORMATION CONTACT:** For general information, contact the RCRA/ Superfund Hotline at (800) 424–9346 or (202) 260–3000; for technical information contact Anthony Carrell (5306W), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, [carrell.anthony@epa.gov](mailto:carrell.anthony@epa.gov), (703) 308–0458.

## SUPPLEMENTARY INFORMATION:

### I. General Information

EPA has established an official public docket for this action under Docket ID No. RCRA–1999–0011. The official public docket is the collection of materials that is available for public viewing at the RCRA Information Center (RIC), 1235 Jefferson Davis Hwy, 1st Floor, Arlington, VA 22201. This Information Center is open from 9 a.m.–4 p.m., Monday through Friday, excluding legal holidays. The Center telephone number is (703) 603–9230.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select “search,” then key in the appropriate docket identification number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.3.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing

copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the Docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

### How and To Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket identification number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked “late.” EPA is not required to consider these late comments.

1. *Electronically.* If you submit an electronic comment as prescribed below, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at <http://www.epa.gov/>