

how to improve the existing structure, such as regulatory change, suggestions to improve interagency coordination, or policy guidance, we are particularly interested in these issues.

**DATES:** We request your written and email comments to be provided no later than June 1, 2003.

**ADDRESSES:** Submit all comments to: Loretta Petty Chittum, Chair, Assistive Technology Mobility Devices Working Group, Deputy Assistant Secretary, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue, SW., Room 3006, Switzer Building, Washington, DC 20202, FAX: (202) 205-9252, PHONE: (202) 205-5465, E-MAIL: [OSERS.AT@ED.GOV](mailto:OSERS.AT@ED.GOV).

**FOR FURTHER INFORMATION CONTACT:** Loretta Petty Chittum, Chair, Assistive Technology Mobility Devices Working Group, Deputy Assistant Secretary, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue, SW., Room 3006, Switzer Building, Washington, DC 20202, FAX: (202) 205-9252, PHONE: (202) 205-5465, E-MAIL: [OSERS.AT@ED.GOV](mailto:OSERS.AT@ED.GOV). If you use a telecommunications device for the deaf, you may call (202) 205-5637 and select "public comments".

Individuals with disabilities may obtain a copy of this notice in an alternative format (e.g., Braille, large print, audiotope, or computer diskette) on request to the contact person listed in the previous paragraph.

*Availability of Copies of the Executive Memorandum:* You may obtain an electronic copy of the Executive Memorandum on the Internet at the following site: <http://www.whitehouse.gov/news/releases/2003/02/20030212-12.html>.

*Availability of Copies of the National Classification System for Assistive Technology Devices and Services:* You may obtain an electronic copy of this document on the Internet at the following site: [http://www.ed.gov/offices/OSERS/NIDRR/Products/National\\_Classification\\_System.doc](http://www.ed.gov/offices/OSERS/NIDRR/Products/National_Classification_System.doc).

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**Robert H. Pasternack,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

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**BILLING CODE 4000-01-M**

## ENVIRONMENTAL PROTECTION AGENCY

[M181-01-7290; FRL-7488-2]

### Notice of a Final Determination for the Hillman Power Company, Hillman, MI

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

**ACTION:** Notice of final action.

**SUMMARY:** This notice announces that, on July 31, 2002, the Environmental Appeals Board (EAB) of the United States Environmental Protection Agency dismissed petitions for review of a Prevention of Significant Deterioration (PSD) permit issued under the Clean Air Act to Hillman Power Company, Hillman, Montmorency County, Michigan. The Michigan Department of Environmental Quality (MDEQ) issued the PSD permit.

**DATES:** The effective date for the decision is July 31, 2002. Judicial review of this permit decision, to the extent it is available pursuant to section 307(b)(1) of the Clean Air Act, may be sought by filing a petition for review in the United States Court of Appeals for the Sixth Circuit within 60 days of today's date.

**ADDRESSES:** Documents relevant to the above action are available for public inspection during normal business hours at the following address: Environmental Protection Agency, Region 5, 77 West Jackson Boulevard (AR-18J), Chicago, Illinois 60604. To arrange inspection of these documents, call Laura L. David at (312) 886-0661.

**FOR FURTHER INFORMATION CONTACT:** Laura L. David, Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard (AR-18J), Chicago, Illinois 60604. The EAB decision is available at: <http://www.epa.gov/eab/disk11/hillman.pdf>.

**SUPPLEMENTARY INFORMATION:** Hillman Power owns and operates a tire-derived fuel (TDF) and wood-fired boiler that produces steam for generating electricity which is sold on the electrical grid

system. The existing power plant is located in the City of Hillman, Montmorency County, Michigan. The boiler is capable of burning fuels at a rated capacity of 300 million BTU per hour heat input. The net capacity of the power plant is approximately 18 megawatts. The plant was allowed to use wood and up to 3,149 pounds per hour TDF (approximately 6% of total fuel) as fuel.

MDEQ received the permit application from Hillman Power on September 27, 2001, seeking an increase in the use of TDF to be fired as a supplementary fuel for up to 5,000 pounds per hour (approximately 9% of total fuel). The application was subject to federal Prevention of the Significant Deterioration (PSD) review for sulfur dioxide (SO<sub>2</sub>). In addition to the permit requirements (which include using the Best Available Control Technology (BACT)), the company agreed to make environmentally beneficial physical changes to its facility, including installation of a new stack, new air heater tube banks, and a new voltage regulator and excitation system. A spare transformer for the electrostatic precipitator used to control particulate matter (PM) emissions is available on-site, if any replacement is needed. Also, significant improvements to operational procedures and work practices related to boiler cleaning and start-up/shutdown conditions have been implemented to reduce emissions.

Pursuant to a delegation agreement between EPA and MDEQ, MDEQ is authorized to make PSD permitting decisions for new and modified stationary sources of air pollution in the State of Michigan. On March 13, 2002, the MDEQ issued Permit No. 687-86G to Hillman Power Company. Because MDEQ acts as EPA's delegatee under the PSD program, MDEQ's permits are considered EPA-issued permits, and appeals of MDEQ's PSD permit decisions are reviewed by the EAB pursuant to 40 CFR 124.19.

On April 16, 2002, the Michigan Environmental Council (MEC), Dr. Richard N. Olree, Jr., and Ms. Donna Baranyai filed petitions with the EAB for review of Hillman Power Company's modified PSD permit. The stated grounds for appeal were: failure to quantify the dioxin emissions; failure to determine whether dioxin would be adequately controlled; inappropriate BACT analysis; failure to address heavy metal fallout data; unjustifiable percentage of increased sulfur dioxide emissions as compared to tons of TDF burned; failure to consider data indicating the presence of heavy metals in fly ash in a local elementary school's

air filters and playground soils; and failure to consider the facility's possible failure to comply with a permit provision prohibiting emissions causing a public nuisance.

The EAB found that the petitioners made no showing of clear error, the existence of an important policy matter or an abuse of discretion warranting review and denied review.

Dated: April 3, 2003.

**Bharat Mathur,**

*Acting Regional Administrator, Region 5.*

[FR Doc. 03-10272 Filed 4-24-03; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-6639-7]

### Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564-7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in the **Federal Register** dated April 1, 2003 (68 FR 16511).

#### Draft EISs

*ERP No. D-AFS-F65037-MI Rating LO, Interior Wetlands Project, Timber Harvest, White Pine Trees Pruning, Growth System Adjustment, Wildlife Openings Creation and Maintenance and Transportation System Improvements, Hiawatha National Forest, Eastside Administrative Unit, Chippewa County, MI.*

*Summary:* EPA did not identify any potential environmental impacts requiring substantive changes to the 2 main project alternatives. EPA believes that A5 would better accomplish old growth stand improvement and road conversion to forests and wetlands.

*ERP No. D-AFS-J65371-WY Rating EC2, Medicine Bow National Forest Revised Draft Land and Resource Management Plan, Implementation, Albany, Carbon and Laramie Counties, WY.*

*Summary:* EPA expressed environmental concerns that without specifically outlining the baseline by which future projects are tiered from this Plan, potential impacts to ecosystem processes, water and habitat quality may occur.

*ERP No. D-AFS-K61158-CA Rating EC2, Silver Pearl Land Exchange Project, Proposal to Exchange 2,153 Acres of National Forest System (NFS) Land for up to 3,963 Acres of Sierra Pacific Industries (SPI) Land within the boundary of Eldorado National Forest, Eldorado and Placer Counties, CA.*

*Summary:* EPA expressed environmental concerns and requested additional information regarding impacts to threatened and endangered species and Forest Service sensitive species. EPA also requested additional information on cumulative impacts.

*ERP No. D-SFW-K99032-CA Rating EC2, Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), Implementation, Incidental Take Permits Issuance, Riverside and Orange County, CA.*

*Summary:* EPA raised environmental concerns that information from other regional plans has not been fully integrated with the analysis and conclusions of the MSHCP. Other EPA concerns are the assumptions regarding the level of species protection provided by Public/Quasi-Public lands, the scientific basis of MSHCP assumptions and conclusions, enforcement, and consultation with and evaluation of potential impacts on Indian Tribes. EPA also recommended the Service provide future opportunities for public and agency input, and consult with Indian Tribes on a government-to-government basis.

*ERP No. DS-COE-C36031-NY Rating LO, Irondequoit Creek at Panorama Valley Flood Damage Reduction Project, New Information concerning Resumption and Evaluation of a Flood Damage Reduction Project, Town of Penfield, Monroe County, NY.*

*Summary:* EPA has no objections to the implementation of the proposed project.

*ERP No. DS-DOE-L08055-WA Rating EC2, Kangley—Echo Lake Transmission Line Project, New 500 Kilovolt (kV) Transmission Line Construction, Updated Information concerning Re-evaluating Alternatives not Analyzed, U.S. Army COE Section 10 and 404 Permits Issuance, King County, WA.*

*Summary:* EPA expressed environmental concerns with the lack of clearly defined mitigation measures to protect drinking water sources and ensure the integrity of the City of Seattle's Habitat Conservation Plan. EPA recommended that the EIS not be finalized until such mitigation has been determined. EPA also recommended that the final EIS more clearly identify the significance of predicted effects of the project.

#### Final EISs

*ERP No. F-AFS-E65053-NC Croatan National Forest Revised Land and Resource Management Plan (1986), Implementation, Carteret Craven and Jones Counties, NC.*

*Summary:* The final EIS is responsive to issues raised in the draft EIS and EPA has no objections to the proposed action.

*ERP No. F-AFS-J82016-MT Bitterroot National Forest Noxious Weed Treatment Project, Ground and Aerial Herbicides Application, Mechanical, Biological and Cultural Weed Treatment and Public Awareness Measures, Implementation, Stevensville Ranger District, Bitterroot National Forest, Ravalli County, MT.*

*Summary:* EPA's review has not identified potential environmental impacts requiring substantive changes to the proposal.

*ERP No. F-AFS-L65403-WA Quartzite Watershed Management Project, Watershed Management Activities including Vegetation Management, Riparian/Wetland Management and Road Management, Colville National Forest, Thomason Sherwood-Cottonwood Creek, Three Rivers Ranger District, Stevens County, WA.*

*Summary:* No formal comment letter was sent to the preparing agency.

*ERP No. F-DOE-L08059-WA Schultz-Hanford Transmission Line Project, New 500 kilovolt (kV) Transmission Line Construction, Central Washington north of Hanford connecting to an existing line at the Schultz Substation, Kittitas, Yakima, Grant and Benton Counties, WA.*

*Summary:* No formal comment letter was sent to the preparing agency.

Dated: April 22, 2003.

**Joseph C. Montgomery,**

*Director, NEPA Compliance Division, Office of Federal Activities.*

[FR Doc. 03-10273 Filed 4-24-03; 8:45 am]

**BILLING CODE 8010-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-6639-6]

### Environmental Impact Statements; Notice of Availability

*Responsible Agency:* Office of Federal Activities, General Information (202) 564-7167 or <http://www.epa.gov/compliance/nepa/>. Weekly receipt of Environmental Impact Statements filed April 14, 2003, through April 18, 2003, pursuant to 40 CFR 1506.9.