

of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov); call toll-free at 1-866-208-3676, or for TTY, (202) 502-8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the "eLibrary" link of Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (P-14385) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: May 18, 2012.

**Kimberly D. Bose,**

Secretary.

[FR Doc. 2012-12703 Filed 5-24-12; 8:45 am]

**BILLING CODE 6717-01-P**

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Docket No. RM98-1-000]

**Records Governing Off-the-Record Communications; Public Notice**

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a 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 a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall 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 are 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 off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC, Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659.

Docket No.	Communication date	Presenter or requester
<i>Prohibited:</i>		
1. EL01-10-000 .....	4-27-12	Ben Tansey. <sup>1</sup>
2. FA11-21-000 .....	5-10-12	Eric Morris. <sup>2</sup>
3. CP11-56-000 .....	5-16-12	Kevin Burke.
4. CP11-161-000 .....	5-17-12	James C. Yardley.
<i>Exempt:</i>		
1. CP12-30-000 .....	3-28-12	Commission Staff. <sup>3</sup>
2. CP07-52-000/CP07-53-000 .....	4-2-12	Commission Staff. <sup>4</sup>
3. ER12-1204-000 .....	4-9-12	Robert F. Powelson.
4. CP12-30-000 .....	4-12-12	Commission Staff. <sup>5</sup>
5. CP11-515-000 .....	4-17-12	Hon. Nan Hayworth, M.D.
6. P-12495-006 .....	4-18-12	Hon. Cathy McMorris Rodgers.
7. CP12-50-000 .....	4-19-12	Hon. Kent Conrad.
8. EL12-56-000 .....	4-24-12	Hon. Eliot L. Engel.
9. P-2188-000 .....	4-25-12	Hon. Max Baucus.
10. P-12470-000 .....	5-1-12	Commission Staff. <sup>6</sup>
10. AD12-1-000/ER11-4081-000 .....	5-2-12	Justin Vickers.
11. CP12-18-000 .....	5-3-12	U.S. Dept. of Interior Staff.
12. P-2710-057/P-2712-074 .....	5-10-12	Hon. Susan M. Collins.
13. CP11-128-000 .....	5-10-12	Hon. Jane L. Corwin.
14. RM11-26-000/EL11-66-000 .....	5-11-12	Hon. Edward J. Markey.
15. CP11-56-000 .....	5-14-12	Office of the Mayor, New York, NY.
16. CP11-14-000 .....	5-14-12	Commission Staff. <sup>7</sup>
17. AD12-1-000/ER11-4081-000 .....	5-26-12	Joseph M. Power.

<sup>1</sup> Email record.

<sup>2</sup> Email record for both May 10th and May 17th.

<sup>3</sup> Meeting record.

<sup>4</sup> Telephone record.

<sup>5</sup> Meeting record.

<sup>6</sup> Email record.

<sup>7</sup> Telephone record.

Dated: May 21, 2012.

**Nathaniel J. Davis, Sr.,**  
Deputy Secretary.

[FR Doc. 2012-12733 Filed 5-24-12; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[R08-CO-2012-0001; FRL-9676-4]

### Adequacy Determination for Aspen PM<sub>10</sub> and Fort Collins Carbon Monoxide Maintenance Plans' Motor Vehicle Emissions Budgets for Transportation Conformity Purposes; State of Colorado

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

**ACTION:** Notice of adequacy.

**SUMMARY:** In this notice, EPA is notifying the public that the Agency has found the following adequate for transportation conformity purposes: The "Revised PM<sub>10</sub> Maintenance Plan for the Aspen Attainment/Maintenance Area"<sup>1</sup> and its motor vehicle emissions budget, and the "Revised Carbon Monoxide Maintenance Plan Fort Collins Attainment/Maintenance Area." As more fully explained in the Supplementary Information section of this notice, this finding will affect future transportation conformity determinations.

**DATES:** This finding is effective June 11, 2012.

**FOR FURTHER INFORMATION CONTACT:** Tim Russ, Air Program, Mailcode 8P-AR, Environmental Protection Agency, Region 8, 1595 Wynkoop Street, Denver, Colorado 80202-1129, telephone number (303) 312-6479, fax number (303) 312-6064, or email [russ.tim@epa.gov](mailto:russ.tim@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document, whenever "we," "us," or "our," are used, we mean EPA.

Transportation conformity is required by section 176(c) of the Clean Air Act (CAA). The conformity rule provisions at 40 CFR 93 require that transportation plans, programs, and projects conform to a State Implementation Plan (SIP) and establish 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 Standard (NAAQS).

The criteria by which we determine whether a SIP revision's motor vehicle emissions budget (MVEB) is adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4), which was promulgated August 15, 1997 (62 FR 43780). We described our process for determining the adequacy of submitted SIP MVEBs in our July 1, 2004 Transportation Conformity Rule Amendments (69 FR 40004). In addition, in certain areas with monitored ambient carbon monoxide (CO) values significantly below the NAAQS, EPA has allowed states to use limited maintenance plans (LMPs), which contain no future year maintenance projections and, therefore, no MVEBs. (See "Limited Maintenance Plan Option for Nonclassifiable CO Nonattainment Areas," signed by Joseph Paisie, Group Leader, Integrated Policy and Strategies Group (MD-15), October 6, 1995, also known as EPA's "LMP Policy.") In an area covered by an approved carbon monoxide LMP, the Regional Transportation Plan (RTP) and Transportation Improvement Program (TIP) are presumed to automatically satisfy the emissions budget test requirement, and no regional emissions analysis with respect to a MVEB under sections 40 CFR 93.118 or 93.119 (i.e., MVEB(s), build less than no-build, or build less than base year) of the conformity rule is required for RTP and TIP conformity. We used these resources in making our adequacy determinations announced in this notice.

This notice is simply an announcement of findings that we have already made and are as described below:

*Aspen (PM<sub>10</sub>):* The State submitted the "Revised PM<sub>10</sub> Maintenance Plan for the Aspen Attainment/Maintenance Area" on May 25, 2011. The State prepared the submittal to meet the requirements of section 175A(b) of the CAA for a second 10-year maintenance plan. EPA sent a letter to the Colorado Department of Public Health and Environment (CDPHE) on August 11, 2011, stating that the submitted Aspen PM<sub>10</sub> second 10-year maintenance plan and the 2023 p.m.<sub>10</sub> MVEB were adequate for transportation conformity purposes. We posted the "Revised PM<sub>10</sub> Maintenance Plan for the Aspen Attainment/Maintenance Area" for adequacy review on EPA's transportation conformity Web

site on June 20, 2011. The public comment period closed on July 20, 2011, and we did not receive any comments in response to the adequacy review posting (see <http://www.epa.gov/otaq/stateresources/transconf/cursips.htm#aspen>).

*Fort Collins (Carbon Monoxide):* The State submitted the "Revised Carbon Monoxide Maintenance Plan Fort Collins Attainment/Maintenance Area" on May 25, 2011. The State prepared the submittal to meet the requirements of section 175A(b) of the CAA for a second 10-year maintenance plan and used, as appropriate, the provisions of EPA's CO LMP policy. Thus, the LMP contains no MVEB. EPA sent a letter to the CDPHE on August 9, 2011, stating that the submitted Fort Collins second 10-year maintenance plan was adequate for transportation conformity purposes. We posted the "Revised Carbon Monoxide Maintenance Plan Fort Collins Attainment/Maintenance Area" for adequacy review on EPA's transportation conformity Web site on June 20, 2011. The public comment period closed on July 20, 2011, and we did not receive any comments in response to the adequacy review posting (see <http://www.epa.gov/otaq/stateresources/transconf/cursips.htm#ftcollins>).

For the Aspen PM<sub>10</sub> maintenance area, the MVEB we found adequate is 1146 pounds of PM<sub>10</sub> per day in 2023. Following the effective date listed in the **DATES** section of this notice, the Colorado Department of Transportation and the U.S. Department of Transportation are required to use this motor vehicle emissions budget for future transportation conformity determinations for projects in the Aspen PM<sub>10</sub> maintenance area. As noted above, the "Revised Carbon Monoxide Maintenance Plan Fort Collins Attainment/Maintenance Area" contains no MVEB, and, under EPA's LMP interpretation, the North Front Range Metropolitan Planning Organization, the Colorado Department of Transportation, and the U.S. Department of Transportation may presume that RTPs and TIPs satisfy the emissions budget test requirement with respect to such revised plan. However, prior MVEBs may apply as we described in our adequacy letter to the State.

Please note that our adequacy review described above is separate from our rulemaking action on the two maintenance plans discussed above and should not be used to prejudice our ultimate approval or disapproval of each

<sup>1</sup> PM<sub>10</sub> refers to particulate matter less than or equal to 10 microns in size.