

U.S.C. 8301 *et seq.*), provides that no new baseload electric powerplant may be constructed or operated without the capability to use coal or another alternate fuel as a primary energy source. In order to meet the requirement of coal capability, the owner or operator of such facilities proposing to use natural gas or petroleum as its primary

energy source shall certify, pursuant to FUA section 201(d), to the Secretary of Energy prior to construction, or prior to operation as a base load electric powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) as of the date filed with the

Department of Energy (DOE). The Secretary is required to publish a notice in the **Federal Register** that a certification has been filed. The following owners/operators of proposed new baseload electric powerplants have filed self-certifications pursuant to section 201(d) and in accordance with DOE regulations in 10 C.F.R. 501.60, 61.

Owner/operator	Capacity	Plant location	In-service date
Migrant Zeeland, LLC .....	550 MW	Zeeland, MI .....	July 1, 2002.
Duke Energy Fayette, LLC .....	620 MW	Masontown, PA .....	June 1, 2003.
Hermiston Power Partnership .....	617 MW	Hermiston, Oregon .....	June 2002.
Duke Energy Washington, LLC .....	620 MW	Beverly, Ohio .....	June 1, 2002.
Meriden Gas Turbines, LLC .....	544 MW	Meriden, CT .....	August 1, 2003.
Migrant Sugar Creek Ven, Inc. ....	559 MW	West Terre Haute, IN .....	June 1, 2003.
MidAmerican Energy Co. ....	540 MW	Pleasant Hill, Iowa .....	Phase I Summer 2003/Phase II Summer 2003.

Issued in Washington, DC, on April 24, 2002.

**Anthony J. Como,**

*Deputy Director, Electric Power Regulation, Office of Coal & Power Import/Export, Office of Coal & Power Systems, Office of Fossil Energy.*

[FR Doc. 02-10572 Filed 4-29-02; 8:45 am]

BILLING CODE 6450-01-P

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

**Sunshine Act Meeting**

*Federal Register Citation of Previous Announcement:* April 22, 2002, 67 FR 19568.

*Previously Announced Time and Date of Meeting:* April 24, 2002

10:00 a.m.

*Change in the Meeting:* The following Docket Nos. and Item No. has been added to the Commission meeting agenda of April 24, 2002.

Item No.,	Docket No., and Company
E-4 .....	EC99-101-006, Northern States Power Company (Minnesota) and New Century Energies, Inc.
H-4 .....	AD02-16-000, Report on Delegated Actions.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. 02-10656 Filed 4-25-02; 4:22 pm]

BILLING CODE 6717-01-P

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-7203-7]

**Agency Information Collection Activities: Submission for OMB Review; Comment Request; State Program Adequacy Determination—Municipal Solid Waste Landfills (MSWLFs) and Non-municipal, Non-hazardous Waste Disposal Units That Receive Conditionally Exempt Small Quantity Generator (CESQG) Hazardous Waste**

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

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: State Program Adequacy Determination—Municipal Solid Waste Landfills (MSWLFs) and Non-municipal, Non-hazardous Waste Disposal Units that Receive Conditionally Exempt Small Quantity Generator (CESQG) Hazardous Waste, ICR Number 1608.03, OMB control number 2050-0152, expiring on April 30, 2002. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

**DATES:** Comments must be submitted on or before May 30, 2002.

**ADDRESSES:** Send comments, referencing EPA ICR No. 1608.03 and OMB Control No. 2050-0152, to the following addresses: Susan Auby, U.S.

Environmental Protection Agency, Collection Strategies Division (Mail Code 2822T), 1200 Pennsylvania Avenue, NW., Washington, DC 20460-0001; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** For a copy of the ICR contact Susan Auby at EPA by phone at (202) 566-1672, by E-mail at [Auby.Susan@epamail.epa.gov](mailto:Auby.Susan@epamail.epa.gov), or download off the Internet at <http://www.epa.gov/icr> and refer to EPA ICR No. 1608.03. For technical questions about the ICR contact Steven Levy by phone at (703) 308-7267.

**SUPPLEMENTARY INFORMATION:**

Title: State Program Adequacy Determination—Municipal Solid Waste Landfills (MSWLFs) and Non-municipal, Non-hazardous Waste Disposal Units that Receive Conditionally Exempt Small Quantity Generator (CESQG) Hazardous Waste, OMB Control No. 2050-0152; EPA ICR No. 1608.03, expiring April 30, 2002. This is a request for extension of a currently approved collection.

*Abstract:* Section 4010(c) of the Resource Conservation and Recovery Act (RCRA) of 1976 requires that EPA revise the landfill criteria promulgated under paragraph (1) of section 4004(a) and section 1008(a)(3). Section 4005(c) of RCRA, as amended by the Hazardous Solid Waste Amendments (HSWA) of 1984, requires states to develop and implement permit programs to ensure that MSWLFs and non-municipal, non-hazardous waste disposal units that receive household hazardous waste or CESQG hazardous waste are in compliance with the revised criteria for

the design and operation of non-municipal, non-hazardous waste disposal units under 40 CFR part 257, subpart B and MSWLFs under 40 CFR part 258. (40 CFR part 257, subpart B and 40 CFR part 258 are henceforth referred to as the "revised federal criteria".) Section 4005(c) of RCRA further mandates the EPA Administrator to determine the adequacy of state permit programs to ensure owner and/or operator compliance with the revised federal criteria. A state program that is deemed adequate to ensure compliance may afford flexibility to owners or operators in the approaches they use to meet federal requirements, significantly reducing the burden associated with compliance.

In response to the statutory requirement in section 4005(c), EPA developed 40 CFR part 239, commonly referred to as the State Implementation Rule (SIR). The SIR describes the state application and EPA review procedures and defines the elements of an adequate state permit program.

The purpose of the ICR is to allow EPA to continue its evaluation of state permit program applications to determine whether they satisfy the statutory test reflected in the requirements of 40 CFR part 239. In all cases, the information will be analyzed to determine the adequacy of the states permit program for ensuring compliance with the federal revised criteria. The analysis will also assist EPA in complying with the Government Performance and Results Act (GPRA) of 1993. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on October 11, 2001 (66 FR 51949); no comments were received.

**Burden Statement:** The annual public reporting and record keeping burden for this collection of information is estimated to average 177 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the

existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

**Respondents/Affected Entities:** States that seek approval of new or modified permit programs for MSWLFs and for non-municipal, non-hazardous waste disposal units that receive CESQG waste.

**Estimated Number of Respondents:** 18.

**Frequency of Response:** One-time only.

**Estimated Total Annual Hour Burden:** 3,189 hours.

**Estimated Total Annualized Capital, O&M Cost Burden:** \$0.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the addresses listed above. Please refer to EPA ICR No. 1608.03 and OMB Control No. 2050-0152 in any correspondence.

Dated: April 15, 2002.

**Oscar Morales,**

*Director, Collection Strategies Division.*

[FR Doc. 02-10629 Filed 4-29-02; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[OPP-2002-0056; FRL-7176-6]

### Request for Public Comment on Proposed Consent Decree Involving Pesticides and the Endangered Species Act

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

**ACTION:** Notice.

**SUMMARY:** EPA is making available for comment a proposed consent decree that would establish a series of deadlines for the Agency to begin consulting with the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) relative to certain pesticide uses and their potential effects on certain plant and fish species listed as threatened or endangered. EPA will evaluate all comments received during the public comment period to determine whether all or part of the proposed consent decree warrants reconsideration. This proposed consent decree, if entered by

the Court, would resolve a lawsuit brought against EPA under the Endangered Species Act (ESA), by Californians for Alternatives to Toxics (CATs), the Environmental Protection Information Center, Inc., and the Humboldt Watershed Council (jointly, Plaintiffs).

**DATES:** Comments, identified by docket ID number OPP-2002-0056, must be received on or before May 29, 2002.

**ADDRESSES:** Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION.**

To ensure proper receipt by EPA, it is imperative that you identify docket ID number OPP-2002-0056 in the subject line on the first page of your response.

**FOR FURTHER INFORMATION CONTACT:** Arty Williams, Field and External Affairs Division, (7506C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305-5239; fax number: (703) 308-3259; e-mail address: [williams.arty@epa.gov](mailto:williams.arty@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### A. Does this Action Apply to Me?

This action is directed to the public in general. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

###### B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at <http://www.epa.gov/>. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>.

The proposed consent decree and other relevant documents are available electronically on EPA's web site <http://www.epa.gov/pesticides> under both