

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

headings, "What's New?" and "Open Comment Periods."

2. *In person.* The Agency has established an official record for this action under docket ID number OPP-2002-0056. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action. This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305-5805.

#### C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. 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. The submission of a comment is construed as a waiver of any CBI claim as to that comment. (See Unit I.D.)

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305-5805.

3. *Electronically.* You may submit your comments electronically by e-mail to: [opp-docket@epa.gov](mailto:opp-docket@epa.gov), or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file

format. All comments in electronic form must be identified by docket ID number OPP-2002-0056. Electronic comments may also be filed online at many Federal Depository Libraries.

#### D. How Should I Handle CBI that I Want to Submit to the Agency?

Should EPA determine as a result of any comments received during this public comment period that all or part of the proposed consent decree merits reconsideration, EPA will provide the Plaintiffs with a written request for further negotiations and a copy of all comments related to EPA's basis for such negotiations. Therefore, EPA will construe the submission of a comment as a waiver of any CBI claim as to that comment. If you have any questions about CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

#### E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the notice or collection activity.
7. Make sure to submit your comments by the deadline in this notice.
8. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

## II. Background

a. On August 31, 2000, Plaintiffs filed a lawsuit in U.S. District Court for the Northern District of California alleging that EPA failed to comply with ESA sections 7(a)(1) and 7(a)(2), 16 U.S.C. 1536(a)(1)-(2), and with the Fish and Wildlife Act, 16 U.S.C. 742d-1. *CATs v. EPA*, Case No. C00-3150 CW (N.D. Calif.). The Plaintiffs filed an amended complaint on November 13, 2000.

b. In March of 2001, the parties participated in a court-ordered mediation. For several months following the mediation, the parties engaged in extensive discussions in hopes of settling this litigation.

c. On April 19, 2002, EPA reached an agreement with the Plaintiffs. The agreement is embodied in a proposed consent decree. The proposed Consent Decree sets a series of deadlines for initiating a number of consultations with the FWS and the NMFS relative to certain pesticide uses and their potential effects on certain plants and fish, including:

1. Consultation on the effects of certain forest operation uses of registered pesticide products containing the active ingredients atrazine, imazapyr, glyphosate, hexazinone, sulfometuron-methyl, triclopyr butoxyethyl ester, triclopyr triethylammonium, and 2,4-D-2 ethylhexyl ester on 33 listed plants associated with forests in California;

2. Consultation on the effects of certain forest operation uses of registered pesticide products containing the active ingredients imazapyr, sulfometuron-methyl, and triclopyr triethylammonium on six species of listed salmon and steelhead and their designated critical habitat (hereinafter collectively referred to as "salmonids");

3. Consultation on the effects of certain pesticide uses of registered pesticide products containing the active ingredients acrolein, carbaryl, chlorpyrifos, and diazinon on salmonids;

4. Consultation on the effects of certain pesticide uses of registered pesticide products containing the active ingredients atrazine, bromacil, diuron, and simazine on salmonids;

5. Consultation on the effects of certain pesticide uses of registered pesticide products containing the active ingredients 2,4-D-2 ethylhexyl ester, molinate, oryzalin, and triclopyr butoxyethyl ester on salmonids; and

6. Consultation on the effects of certain pesticide uses of registered pesticide products containing the active ingredients glyphosate, hexazinone, and oxyfluorfen on salmonids.

d. In addition, the proposed consent decree provides that EPA will evaluate, during its ongoing ESA section 7(a)(1) Proactive Conservation Review with FWS and NMFS, how to consider the following topics:

1. Chronic and sublethal effects of pesticides on all life stages of endangered and threatened species;

2. Effects of complete pesticide product formulations, effects of diluents, and adjuvants, and effects of the products of pesticide degradation;

3. How direct and indirect effects of pesticides added to the environmental baseline impact endangered and threatened species;

4. The use of systematic field monitoring in a variety of site conditions, runoff patterns, and application methods to validate transport and persistence models; and

5. Best available scientific evidence.

e. The proposed consent decree also provides that the Plaintiffs may develop a position paper on any or all of the five topics identified in Unit II.d. EPA is offering this same opportunity to the public. EPA will consider any position papers it receives from the Plaintiffs and/or the public within 90 days from the date that a final consent decree is entered by the Court.

f. Beginning on April 29, 2002, EPA opened a 30-day comment period on the proposed consent decree. EPA will use the comments to determine whether all or part of the proposed consent decree warrants reconsideration. If EPA determines that any part of the proposed consent decree warrants reconsideration, EPA will provide the Plaintiffs with a written request for further negotiations and with copies of all comments received in response to this notice. The proposed consent decree shall not be entered with the Court unless the parties can reach agreement on needed changes. If EPA determines that the proposed consent decree does not need to be reconsidered, the terms of the proposed consent decree shall become effective upon entry by the U.S. District Court for the Northern District of California. Once the Consent Decree is entered by the U.S. District Court for the Northern District of California, EPA will publish another **Federal Register** notice notifying the public of the opportunity to submit position papers on the five topics described in Unit II.d.

#### List of Subjects

Environmental protection, Endangered species, Pesticides and pests.

Dated: April 25, 2002.

Jay Ellenberger,

Acting Director, Field and External Affairs Division, Office of Pesticide Programs.

[FR Doc. 02-10725 Filed 4-29-02; 8:45 am]

BILLING CODE 6560-50-S

## ENVIRONMENTAL PROTECTION AGENCY

[OEI-10014; FRL-6723-7]

### Draft Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the Environmental Protection Agency

**AGENCY:** Environmental Protection Agency, EPA.

**ACTION:** Notice of availability; comment request; meeting announcement.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA) is currently developing *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the Environmental Protection Agency* (herein after referred to as "Information Quality Guidelines"), in response to an Office of Management and Budget (OMB) guideline directing all federal agencies to develop and implement their own guidelines by October 1, 2002 (67 FR 8451, February 22, 2002). EPA's "Information Quality Guidelines" will build upon on-going efforts to improve the quality of the data and analyses that support Agency policy and regulatory decisions and programs. EPA is announcing the availability of the Agency's draft "Information Quality Guidelines" and is requesting comment on them. The draft "Information Quality Guidelines" are available at EPA's Web site, [www.epa.gov/oei/qualityguidelines](http://www.epa.gov/oei/qualityguidelines). In addition, EPA is announcing a public meeting in Washington, DC to discuss EPA draft "Information Quality Guidelines".

**DATES:** Comments must be received on or before May 31, 2002, 11:59 pm EST. The public meeting will be held on May 15, 2002.

**ADDRESSES:** Comments should be addressed to: Docket ID No. OEI-10014 which has been established at: U.S. EPA, Northeast Mall, Room B607, 401 M Street SW., Washington, DC, 20460. Comments may be submitted by web site, e-mail, mail, facsimile, or in person. The public meeting will be held in Washington, DC. See the "Supplementary Information" section for instructions on submitting comments and public meeting information.

**FOR FURTHER INFORMATION CONTACT:** Ms. Evangeline Tsibris Cummings, Environmental Protection Agency, Office of Environmental Information, Mail Code 2842T, 1200 Pennsylvania Avenue NW., Washington, DC 20460. Telephone: 202-566-0621; e-mail: [cummings.evangeline@epa.gov](mailto:cummings.evangeline@epa.gov).

## SUPPLEMENTARY INFORMATION:

### What Are EPA's "Information Quality Guidelines"?

EPA drafted *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the Environmental Protection Agency* to comply with a new Office of Management and Budget (OMB) guideline (67 FR 8451, February 22, 2002). Section 515 of the "Treasury and General Government Appropriations Act for FY2001 (Pub. L. 106-554)" directed OMB to issue government-wide guidelines that "provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information, including statistical information, disseminated by Federal agencies." EPA's "Information Quality Guidelines" will build upon on-going efforts to improve the quality of the data and analyses that are used to support Agency policy and regulatory decisions and programs.

EPA is seeking comments on many key areas of the "Information Quality Guidelines" developed thus far. Specific areas have been highlighted in a Request for Comments section of the "Information Quality Guidelines". After the comment period closes on May 31, 2002, EPA plans to submit the Agency's revised "Information Quality Guidelines" to OMB by July 1, 2002.

### How Can I get Copies of the Draft EPA "Information Quality Guidelines"?

EPA has established a public docket for these draft "Information Quality Guidelines" under Docket ID No. OEI-10014. The docket contains background information and supporting materials available for public viewing at: Northeast Mall, Room B607, 401 M Street SW., Washington, DC, 20460. This docket consists of a copy of the "Information Quality Guidelines", public comments received during the public comment period on the "Information Quality Guidelines", and other information related to the "Information Quality Guidelines". The docket is open from 12:00 pm to 4:00 pm EST, Monday through Friday, excluding legal holidays.

You may also access EPA's draft "Information Quality Guidelines" and other information related to this notice electronically at this web page: [www.epa.gov/oei/qualityguidelines](http://www.epa.gov/oei/qualityguidelines). To obtain a written copy of the draft "Information Quality Guidelines", you may contact: Ms. Evangeline Tsibris Cummings, U.S. Environmental Protection Agency, Office of