

date of this order.<sup>3</sup> State Commission ALJs or expert staff that participate in the fact-finding may offer written comments or conclusions that will be appended to the Commission ALJ's report.

#### The Commission Orders

(A) The Secretary is hereby directed to publish this order in the **Federal Register**.

(B) Entities seeking to participate in this proceeding should file notices of their intent to participate within ten days of the date of this order. However, since this proceeding will not be a formal case, we direct the ALJ to welcome late participants to the proceeding rather than holding strictly to the formal rules of participation and intervention.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), and the appropriate guidelines for Alternate Dispute Resolutions, the ALJ shall conduct whatever proceedings and hearings may be appropriate to determine the facts and solutions concerning congestion on the Delmarva Peninsula, as discussed in the body of this order.

(D) A presiding administrative law judge, to be designated by the chief administrative law judge, shall convene a conference in the proceeding to be held within fifteen days of the date of this order, in a hearing room of the Federal Energy Regulatory Commission, 888 First Street, NW., Washington, DC 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided for in the Commission's Rules of Practice and Procedure.

(E) The presiding judge shall file a report within sixty days after the date of this order, as discussed in the body of this order.

(F) Any State Commission that is interested in having its ALJ participate in the case study should contact the Commission ALJ to make the appropriate arrangements.

<sup>3</sup> The ALJ report will not be an initial decision, so we will not entertain the filing of briefs on or opposing exceptions. Further, we do not anticipate the need for cross-examination of witnesses. The Judge need not create an exhaustive record, but may work with the parties to create the record that provides a thorough picture of the facts, problems, and opportunities, and lessons to be learned.

(G) The Commission's Office of Administrative Litigation shall provide technical support to the ALJ and the parties in this proceeding.

By the Commission.

**Magalie R. Salas,**

*Secretary.*

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**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Western Area Power Administration

#### Construction and Operation of the Proposed Wellton-Mohawk Generating Facility, Yuma County, AZ

**AGENCY:** Western Area Power Administration, DOE.

**ACTION:** Notice of Intent to Prepare an Environmental Impact Statement.

**SUMMARY:** The Western Area Power Administration (Western) intends to prepare an environmental impact statement (EIS) regarding the proposal by Dome Valley Energy Partners, LLC (Dome Valley) to construct and operate the Wellton-Mohawk Generating Facility (Facility) east of Yuma, Arizona. The EIS will also address the construction of a new natural gas pipeline and high-voltage transmission line upgrades and additions needed to support the Facility, a no-action alternative, and any action alternatives defined as a result of the EIS scoping process.

Because implementing this proposal would incorporate a major new generation resource into Western's system, Western has determined that an EIS is required. Western will hold a 30-day scoping period to ensure that interested members of the public and Federal, State, local, and tribal agencies have an opportunity to provide input on the scope and alternatives that will be addressed in the EIS. Western also will hold public open-house scoping meetings in the project area during the scoping period.

**DATES:** The public scoping meetings will be held on June 3, 2003, in Wellton, and June 4, 2003, in Yuma. Each meeting will be held between 6 p.m. and 9 p.m. Written comments on the scope of the EIS for the proposed Project should be received no later than 11:59 p.m. (Arizona Time) on June 30, 2003, which will be the end of the EIS scoping period. Comments on the project will be accepted throughout the National Environmental Policy Act (NEPA) process.

**ADDRESSES:** The Wellton scoping meeting will be held at the Wellton

Elementary School, 29126 San Jose Avenue in Wellton. The Yuma scoping meeting will be held at the Yuma Civic and Convention Center, 1440 West Desert Hills Drive in Yuma. Each facility is handicapped accessible. Comments should be addressed to Mr. John Holt, Environment Manager, Desert Southwest Customer Service Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005, fax (602) 352-2630, e-mail holt@wapa.gov.

**FOR FURTHER INFORMATION CONTACT:** Mr. Mark Wieringa, NEPA Document Manager, Western Area Power Administration, P.O. Box 281213, Lakewood, CO 80228-8213, telephone (720) 962-7448, fax (720) 962-7263, e-mail [wieringa@wapa.gov](mailto:wieringa@wapa.gov). For general information on the Department of Energy's NEPA review procedures or status of a NEPA review, contact Carol M. Borgstrom, Director of NEPA Policy and Compliance, EH-42, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, telephone (202) 586-4600 or (800) 472-2756.

**SUPPLEMENTARY INFORMATION:** The Facility would be located adjacent to Western's existing Ligurta Substation, approximately 25 miles east of Yuma, Arizona, and nine miles west of Wellton, Arizona, just north of Interstate Highway 8. Dome Valley proposes to construct and operate a natural gas-fired combined-cycle electricity generating facility, an associated solar collection field, and ancillary facilities in unincorporated Yuma County, Arizona. The proposed Facility would be developed in two phases. The full output of the first phase would be nominally rated at 260 megawatts (MW) with about 310-MW peaking capacity. With the second phase, the Facility would be nominally rated at 520 MW with peaking capacity of about 620 MW via duct burners. Each phase would consist of one combustion turbine, one heat recovery steam generator, a steam turbine, condenser, transformer, cooling towers, tanks, sedimentation/evaporation ponds, auxiliary boilers, an emergency generator, an emergency fire pump, and associated buildings. Water for the Facility's use, including cooling, would be provided by the Wellton-Mohawk Irrigation and Drainage District (Wellton-Mohawk) via the Wellton-Mohawk Canal. Associated with the Facility would be a solar component that would convert solar energy to thermal energy for inlet air-cooling. Natural gas for the Facility would be delivered via a new natural gas pipeline that would interconnect to a proposed or existing natural gas transmission line

near U.S. Highway 95, northwest of the Facility. The proposed natural gas transmission pipeline would be subject to an independent NEPA review as part of the Federal Energy Regulatory Commission licensing process. The Facility's new natural gas pipeline would parallel the existing Wellton-Mohawk Canal right-of-way for its full length of 12 miles.

The first phase of the Facility would interconnect at Western's Ligruta Substation. In response to Dome Valley's proposal, Western conducted a transmission system impact study and determined that upgrades and additions to the existing transmission system were needed to accommodate the Facility. Western's proposed actions would include upgrading the existing Ligruta Substation, upgrading Western's existing 12.7-mile Ligruta to Gila transmission line, adding 75 megavolt-ampere transformer capacity between the 161-kilovolt (kV) side and the 69-kV side in Western's Gila Substation near Yuma, constructing a new 18-mile transmission line between the Ligruta Substation and Arizona Public Service's North Gila Substation north of Yuma, and interconnecting this line at the North Gila Substation. The new Ligruta to North Gila transmission line would parallel the existing Wellton-Mohawk Canal for most of its length. In addition, Western would require that primary and secondary communication systems be installed to ensure reliable operation of the transmission system. Because the facility would be a major new source of generation and electricity generated by the Facility would be integrated into Western's transmission system, Western has determined that an EIS is required in accordance with DOE's NEPA Implementing Procedures, 10 CFR part 1021, Subpart D, Appendix D, class of action D6. The EIS will address the proposed action, a no-action alternative, and any action alternatives defined as a result of the EIS scoping process. Western will be the lead Federal Agency, as defined at 40 CFR 1501.5.

Portions of the transmission line upgrades and additions and a proposed natural gas pipeline for the Facility would cross lands managed by the U.S. Department of the Interior, Bureau of Land Management, Yuma Field Office (BLM). Since BLM would require rights-of-way grants for portions of the transmission line additions and new natural gas pipeline, BLM will participate as a cooperating agency in the preparation of the EIS.

The proposed Facility would be located on land currently owned by the U.S. Department of the Interior, Bureau of Reclamation (BOR). Title to this

property would be transferred by BOR to Wellton-Mohawk. The EIS will address the proposed property transfer, and the BOR will participate in the EIS review of the project as a cooperating agency.

Western, in consultation with the cooperating agencies, will carefully examine public health and safety, environmental impacts, and engineering aspects of the proposed Facility, the proposed transmission system upgrades and facilities, and the proposed natural gas pipeline. Even though only portions of the proposed Facility and its components would be addressed by Western, the BLM, or the BOR decisions, the EIS will address all components of the proposed Facility.

The EIS will be prepared in accordance with the requirements of the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR parts 1500-1508) and DOE's NEPA Implementing Procedures (10 CFR part 1021). Western will invite tribal, local, and State agencies with special expertise or jurisdiction over the Project to be cooperating agencies on the EIS. Full public participation, including information prepared in both English and Spanish, and disclosure are planned for the entire EIS process. It is anticipated that the EIS process will take about 1 year and will include public information and scoping meetings; consultation and involvement with appropriate Federal, State, local, and tribal government agencies; public review and hearings on the published draft EIS; a published final EIS; a review period; and publication of a record of decision (ROD). Publication of the ROD is anticipated in 2004.

The scoping meetings will be structured as open houses, and provide interested parties an opportunity to view Facility and EIS process exhibits, and provide comments to Western and cooperating agency representatives. The meetings will be held June 3 and 4, 2003, between 6 p.m. and 9 p.m. at the Wellton Elementary School Gymnasium and the Yuma Civic and Convention Center, respectively. The meeting locations are handicapped accessible, and an interpreter for the hearing-impaired will be available to provide information for the hearing impaired. The scoping period expires on June 30, 2003.

Dated: May 8, 2003.

**Michael S. Hacsakaylo**,  
Administrator.

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7500-3]

### Agency Information Collection Activities: Continuing Collection; Comment Request; Land Disposal Restrictions No-Migration Variances

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

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): Land Disposal Restrictions No-Migration Variances, EPA ICR No.1353.07, OMB No. 2050-0062, expires on September 30, 2003. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

**DATES:** Comments must be submitted on or before July 18, 2003.

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

The mailing address, referencing Docket ID No. RCRA-2003-0010, is: OSWER Docket (5305T) EPA Docket Center, U.S. Environmental Protection Agency Headquarters, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Hand deliveries of comments should be made to the EPA Docket Center, (EPA/DC) EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. Comments may also be submitted electronically through the Internet to: [rcra-docket@epa.gov](mailto:rcra-docket@epa.gov). Comments in electronic format should also be identified by the Docket ID No. RCRA-2003-0010.

Commenters should not submit any confidential business information (CBI) electronically. An original and two copies of CBI must be submitted under separate cover to: RCRA CBI Document Control Officer, Office of Solid Waste (5303W), U.S. EPA, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

Hand deliveries must be brought to the OSWER Docket in the EPA Docket Center, (EPA/DC) EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The Docket is open from 8:30 a.m. to 4:30 p.m. Monday through Friday, excluding Federal holidays.