

charges) have been served on the counter-parties to the interchange service agreements and the interested state utility commissions.

*Comment Date:* May 21, 2002.

### 9. New York Independent System Operator, Inc.

[Docket No. ER01-2967-005]

Take notice that on April 26, 2002, the New York System Operator, Inc. (NYISO) filed revisions to Attachment S of its Open Access Transmission Tariff, which contains rules to allocate responsibility for the cost of new interconnection facilities, pursuant to the Federal Energy Regulatory Commission's (Commission) Order issued on October 26, 2001, in the above-captioned proceeding. The NYISO has requested an effective date of September 26, 2001, for the compliance filing, the effective date granted in the Commission's Order issued on October 26, 2001, in the above-captioned proceeding.

The NYISO has mailed a copy of this compliance filing to all persons that have filed interconnection applications or executed Service Agreements under the NYISO Open Access Transmission Tariff, to the New York State Public Service Commission, and to the electric utility regulatory agencies in New Jersey and Pennsylvania. The NYISO has also mailed a copy to each person designated on the official service list maintained by the Commission for the above-captioned proceeding.

*Comment Date:* May 17, 2002.

### 10. Southern Indiana Gas and Electric Company

[Docket No. ES02-31-000]

Take notice that on April 29, 2002, Southern Indiana Gas and Electric Company submitted an application pursuant to section 204 of the Federal Power Act seeking authorization to issue, from time to time during the period ending June 22, 2004, short-term debt with no more than \$250 million outstanding at any one time.

*Comment Date:* May 24, 2002.

### 11. Ameren Energy Generating Company

[Docket No. ES02-32-000]

Take notice that on April 29, 2002, Ameren Energy Generating Company submitted an application pursuant to section 204 of the Federal Power Act seeking authorization to issue, from time to time during the period from June 23, 2002, through June 22, 2004, (1) up to \$500 million of long-term debt, and (2) short-term debt with the total aggregate amount of all short-term debt

outstanding at any one time not to exceed \$300 million.

*Comment Date:* May 24, 2002.

### Standard Paragraph

E. Any person desiring to intervene or to protest this filing should file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. All such motions or protests should be filed on or before the comment date, and, to the extent applicable, must be served on the applicant and on any other person designated on the official service list. This filing is available for review at the Commission or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "RIMS" link, select "Docket #" and follow the instructions (call 202-208-2222 for assistance). Protests and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the "e-Filing" link.

**Linwood A. Watson, Jr.,**

*Deputy Secretary.*

[FR Doc. 02-11701 Filed 5-9-02; 8:45 am]

BILLING CODE 6717-01-P

### ENVIRONMENTAL PROTECTION AGENCY

[FRL-7210-5]

#### Protection of Stratospheric Ozone: Process for Exempting Critical Uses of Methyl Bromide

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

**ACTION:** Notice of solicitation of applications and information on alternatives.

**SUMMARY:** EPA is soliciting applications for the Critical Use Exemption from the phaseout of methyl bromide. This application process offers users of methyl bromide the opportunity to provide technical and economic information to support a "critical use" claim.

Methyl bromide is a chemical pesticide that has been identified under the *Montreal Protocol on Substances that Deplete the Ozone Layer* and the

Clean Air Act, as an ozone-depleting substance. It is scheduled for complete phaseout by January 1, 2005. The Critical Use Exemption is designed to allow continued production and import of methyl bromide after the phaseout for those uses that have no technically and economically feasible alternatives. Because Critical Use Exemptions are exemptions from the January 1, 2005 methyl bromide phaseout, they will become effective after that date.

Applicants for the exemption are requested to submit technical and economic information to EPA for U.S. review. The U.S. will then create a national nomination for review by the Parties to the Montreal Protocol. EPA encourages users with similar circumstances of use to submit a single application. Please contact your state regulatory agency to receive information about their involvement in the process.

**DATES:** Applications for the Critical Use Exemption must be postmarked on or before September 9, 2002.

**ADDRESSES:** Applications for the methyl bromide Critical Use Exemption should be submitted in duplicate (two copies) by mail to: U.S. Environmental Protection Agency, Methyl Bromide Critical Use Exemption, Global Programs Division, Mail Code 6205J, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001 or by courier delivery (other than U.S. Post Office overnight) to: U.S. Environmental Protection Agency, Methyl Bromide Critical Use Exemption, Global Programs Division, 501 3rd St., NW., Washington, DC 20001, phone: (202) 564-9410.

#### FOR FURTHER INFORMATION CONTACT:

*General Information:* U.S. EPA Stratospheric Ozone Information Hotline, 1-800-296-1996.

*Technical Information:* Bill Chism, U.S. Environmental Protection Agency, Office of Pesticide Programs (7503C), 1200 Pennsylvania Ave., NW., Washington, DC, 20460, 703-308-8136.

*Economic Information:* David Widawsky, U.S. Environmental Protection Agency, Office of Pesticide Programs (7503C), 1200 Pennsylvania Ave., NW., Washington, DC, 20460, 703-308-8150.

*Regulatory Information:* Amber Moreen, U.S. Environmental Protection Agency, Global Programs Division (6205J), 1200 Pennsylvania Ave., NW., Washington, DC, 20460, 202-564-9295.

#### SUPPLEMENTARY INFORMATION:

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### I. What Do I Need to Know To Respond to This Request for Applications?

#### A. Who Can Respond to This Request for Information?

The Application Form may be submitted either by a consortium representing multiple users or by individual users who anticipate needing methyl bromide in 2005 and believe there are no technically and economically feasible alternatives. EPA encourages users with similar circumstances of use to submit a single application (for example, any number of pre-plant users with similar soil, pest, and climactic conditions can join together to submit a single application). In some instances, state agencies will assist users with the application process (see discussion of voluntary state involvement in Part I.B. below).

In addition to requesting information from applicants for the Critical Use Exemption, this solicitation for information provides an opportunity for any interested party to provide EPA with information on methyl bromide alternatives (e.g. technical and/or economic feasibility research). The Application Form for the methyl bromide Critical Use Exemption and other information on research relevant to alternatives must be sent to the addresses specified above.

#### B. Who Can I Contact To Find Out if a Consortium Is Submitting an Application Form for My Methyl Bromide Use?

Please contact your local, state, regional or national commodity

association to find out if they plan on submitting an application on behalf of your commodity group.

Additionally, you should contact your state regulatory agency (generally this will be the State Department of Agriculture or State Environmental Protection Agency) to receive information about their involvement in the process. If your state agency has chosen to participate, EPA encourages all applicants to first submit their applications to the state regulatory agency, which will then forward them to EPA. The National Pesticide Information Center website is one resource available for identifying the lead pesticide agency in your state (<http://ace.orst.edu/info/npic/state1.htm>).

#### C. How Do I Obtain an Application Form for the Methyl Bromide Critical Use Exemption?

An Application Form for the methyl bromide Critical Use Exemption can be obtained either in electronic or hard-copy form.

EPA encourages use of the electronic form. Applications can be obtained in the following ways:

1. PDF format at EPA website: [www.epa.gov/ozone/mbr/](http://www.epa.gov/ozone/mbr/);
2. Microsoft Excel and other electronic spreadsheet formats at EPA website: [www.epa.gov/ozone/mbr/](http://www.epa.gov/ozone/mbr/);
3. Mailed hard-copy ordered through the Stratospheric Ozone Protection Hotline at 1-800-296-1996;
4. Hard-copy format at Air Docket No. A-2000-24. The docket is located in room M-1500, First Floor, Waterside Mall, U.S. Environmental Protection Agency, 401 M Street, SW., Washington DC 20460. The Docket Office is open from 8:30am until 5:30pm Monday through Friday. A reasonable fee may be charged by EPA for copying docket materials.

#### D. What Alternatives Must Applicants Address When Applying for a Critical Use Exemption?

To support the assertion that a specific use of methyl bromide is "critical", applicants are expected to demonstrate that there are no technically and economically feasible alternatives available to the user of methyl bromide. The Parties to the Montreal Protocol have developed an "International Index" of Methyl Bromide Alternatives which lists chemical and non-chemical alternatives, by crop ([http://www.epa.gov/ozone/mbr/alt\\_in.html](http://www.epa.gov/ozone/mbr/alt_in.html)). The chemicals and non-chemical practices included on this index were identified by the international technical advisory groups

under the Montreal Protocol: the Methyl Bromide Technical Options Committee (MBTOC) and the Technical and Economic Assessment Panel (TEAP). The MBTOC and the TEAP determined that alternatives in the International Index have the "technical potential" to replace methyl bromide in at least one circumstance of use on the identified crop (Report of the Technical and Economic Assessment Panel, 1997) ([http://www.teap.org/html/teap\\_reports.html](http://www.teap.org/html/teap_reports.html)). A corresponding U.S. Index of alternatives (also listed by crop) has been developed by the U.S. government regarding chemical alternatives (<http://www.epa.gov/ozone/mbr>). This U.S. Index reflects whether chemical alternatives included in the International Index have been registered for use in the United States.

Applicants must address technical, regulatory, and economic issues that limit the adoption of "chemical alternatives" and combinations of "chemical" and "non-chemical alternatives" listed for their crop within the "U.S. Index" of Methyl Bromide Alternatives. Applicants must also address technical, regulatory, and economic issues that limit the adoption of "non-chemical alternatives" and combinations of "chemical" and "non-chemical alternatives" listed for their crop in the "International Index".

#### E. What Portions of the Applications Will Be Considered Confidential Business Information?

The person submitting information to EPA in response to this Notice may assert a business confidentiality claim covering part or all of the information by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as trade secret, proprietary, or company confidential. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the applicant, and may be submitted separately to facilitate identification and handling by EPA. If the applicant desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state. Information covered by a claim of confidentiality will be disclosed by EPA only to the extent, and by means of the procedures, set forth under 40 CFR Part 2 Subpart B; 41 FR 36902, 43 FR 40000, 50 FR 51661. If no claim of confidentiality accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to the applicant.

If you are asserting a business confidentiality claim covering part or all of the information in the application, please submit a non-confidential version that EPA can place in the public docket for reference by other interested parties. Do not include on the "Worksheet Six: Application Summary" page of the application any information that you wish to claim as confidential business information. These application information summary sheets will be posted on the EPA website ([www.epa.gov/ozone/mbr](http://www.epa.gov/ozone/mbr)) and included in Air Docket No. A-2000-24.

**II. What Is the Legal Authority for the Critical Use Exemption?**

*A. What Is the Clean Air Act (CAA) Authority For Implementing the Critical Use Exemption to the Methyl Bromide Phaseout?*

In October 1998, the U.S. Congress amended the Clean Air Act by adding CAA Sections 604(d)(6), 604(e)(3), and 604(h) (Section 764 of the 1999 Omnibus Consolidated and Emergency Supplemental Appropriations Act (Pub. L. No. 105-277; October 21, 1998)). The amendment requires EPA to conform the U.S. phaseout schedule for methyl bromide to the provisions of the Montreal Protocol for industrialized countries. Specifically, the amendment requires EPA to make regulatory changes to implement the following phaseout schedule:

- 25% reduction (from 1991 baseline) in 1999
- 50% reduction in 2001
- 70% reduction in 2003
- 100% reduction in 2005

EPA published regulations in the **Federal Register** on June 1, 1999 (64 FR 29240) and November 28, 2000 (65 FR 70795), instituting the phaseout reductions in the production and import of methyl bromide in accordance with the schedule listed above. Additionally, the 1998 amendment allowed EPA to exempt the production and import of methyl bromide from the phaseout for critical uses starting January 1, 2005 "to the extent consistent with the Montreal Protocol" (Section 764 of the 1999 Omnibus Consolidated and Emergency Supplemental Appropriations Act (Pub. L. 105-277, October 21, 1998)(Section 604(d)(6) of the Clean Air Act).

*B. What Is the Montreal Protocol Authority For Granting a Critical Use Exemption After the Methyl Bromide Phaseout?*

The Montreal Protocol provides an exemption to the phaseout of methyl bromide for critical uses in Article 2H, paragraph 5. The Parties to the Protocol

included provisions for such an exemption in recognition that substitutes for methyl bromide may not be available by 2005 for certain uses of methyl bromide agreed by the Parties to be "critical uses".

In their Ninth Meeting (1997), the Parties to the Protocol agreed to Decision IX/6, setting forth the following criteria for a "critical use" determination:

- (a) That a use of methyl bromide should qualify as 'critical' only if the nominating Party [e.g. U.S.] determines that:
  - (i) The specific use is critical because the lack of availability of methyl bromide for that use would result in a significant market disruption; and
  - (ii) There are no technically and economically feasible alternatives or substitutes available to the user that are acceptable from the standpoint of environment and health and are suitable to the crops and circumstances of the nomination.
- (b) That production and consumption, if any, of methyl bromide for a critical use should be permitted only if:
  - (i) All technically and economically feasible steps have been taken to minimize the critical use and any associated emission of methyl bromide;
  - (ii) Methyl bromide is not available in sufficient quantity and quality from existing stocks of banked or recycled methyl bromide, also bearing in mind the developing countries need for methyl bromide;
  - (iii) It is demonstrated that an appropriate effort is being made to evaluate, commercialize and secure national regulatory approval of alternatives and substitutes, taking into consideration the circumstances of the particular nomination \* \* \* Non-Article 5 Parties [e.g., the U.S.] must demonstrate that research programmes are in place to develop and deploy alternatives and substitutes. \* \* \*

In the context of the phaseout program, the use of the term consumption may be misleading. Consumption does not mean the "use" of a controlled substance, but rather is defined as the formula: consumption = production + imports - exports, of controlled substances (Article 1 of the Protocol and Section 601 of the CAA). Class I controlled substances that were produced or imported through the expenditure of allowances prior to their phaseout date can continue to be used by industry and the public after that specific chemical's phaseout under EPA's phaseout regulations, unless otherwise precluded under separate regulations.

In addition to the language quoted above, the Parties further agreed to request the TEAP to review nominations and make recommendations for approval based on the criteria established in paragraphs (a)(ii) and (b) of Decision IX/6.

**III. How will the U.S. Implement the Critical Use Exemption?**

*D. When Will the Exemption Become Available to U.S. Users of Methyl Bromide?*

Under the provisions of both the CAA and the Montreal Protocol, the Critical Use Exemption will be available to approved uses on January 1, 2005. Until that date, all production and import of methyl bromide (except for those quantities that qualify for the quarantine and preshipment exemption) must conform to the phasedown schedule listed above (see Supplementary Information Section II A). For more information on the quarantine and preshipment exemption, please refer to 66 FR 37752 (July 19, 2001).

*B. What Is the Projected Timeline For the Critical Use Exemption Application Process?*

There is both a domestic and international component to the Critical Use Exemption process. The following outline represents a projected timeline for the process:

May 10, 2002	Solicit applications for the methyl bromide Critical Use Exemption for 2005.
September 9, 2002.	Deadline for submitting Critical Use Exemption applications to EPA.
Late 2002 .....	U.S. government (EPA, Department of State, U.S. Department of Agriculture, and other interested federal agencies) create U.S. Critical Use nomination package.
January 31, 2003.	Deadline for U.S. government to submit U.S. nomination package to the Protocol Parties.
Early 2003 .....	Review of the nominations packages for Critical Use Exemptions by the Technical and Economic Assessment Panel (TEAP) and Methyl Bromide Technical Options Committee (MBTOC).
Mid 2003 .....	Parties consider TEAP/MBTOC recommendations.
Late 2003 .....	Parties authorize Critical Use Exemptions for methyl bromide.
Early 2004 .....	EPA publishes proposed rule for allocating Critical Use Exemptions in the U.S.
Late 2004 .....	EPA publishes final rule allocating Critical Use Exemptions in the U.S.
January 1, 2005.	Critical Use Exemption permits the limited production and import of methyl bromide beyond the phaseout date for specific uses.

**Authority:** 42 U.S.C. 7414, 7601, 7671–7671q.

### List of Subjects

Environmental protection, Administrative practice and procedure, Air pollution control, Chemicals, Methyl Bromide, Ozone layer, Reporting and Recordkeeping requirements.

Dated: April 18, 2002.

### Robert Brenner,

*Acting Assistant Administrator, Office of Air and Radiation.*

[FR Doc. 02–11738 Filed 5–9–02; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6629–1]

### Environmental Impact Statements; Notice of Availability

*Responsible Agency:* Office of Federal Activities, General Information (202) 564–7167 or [www.epa.gov/oeca/ofa](http://www.epa.gov/oeca/ofa)  
Weekly receipt of Environmental Impact Statements

Filed April 29, 2002 Through May 03, 2002 Pursuant to 40 CFR 1506.9.

EIS No. 020169, Final EIS, AFS, MO, Oak Decline and Forest Health Project, To Improve Forest Health, Treat Affected Stands, Recover Valuable Timber Products, Promote Public Safety, Potosi and Salem Ranger Districts, mark Twain National Forest, Crawford, Dent, Iron, Reynolds, Shannon and Washington, MO, Wait Period Ends: June 10, 2002, Contact: Karen Mobley (573) 729–6656.

EIS No. 020170, Draft EIS, COE, WV, Spurge Mine No. 1 Surface Mine Project, Proposed to Extraction (i.e., Maximum Mineral Recovery Based on Economic Considerations and Landowner Commitments) of High Quality Coal Reserve, Located in Blair, Logan County, WV, Comment Period Ends: June 24, 2002, Contact: James M. Richmond (304) 529–5210.

EIS No. 020171, Final EIS, USA, TX, Programmatic EIS—Fort Sam Houston, Camp Bullis, and Canyon Lake Recreation Area Master Plan, Implementing Revisions to the Existing 1988 Land Use Plan, City of San Antonio, TX, Wait Period Ends: June 10, 2002, Contact: Jackie Schlatter (210) 221–5093.

EIS No. 020172, Draft EIS, FRC, OR, North Umpqua Hydroelectric Project (FERC Project 1927), Issuing of Application for a New License for the Existing 185.5-megawatt (MW), Located on the North Umpqua River, Douglas County, OR, Comment Period

Ends: June 24, 2002, Contact: John Smith (202) 219–2460. This document is available on the Internet at: <http://www.ferc.gov/>.

EIS No. 020173, Draft EIS, AFS, ID, The West Gold Creek Project, Proposing Forest Management Activities, Implementation, Idaho Panhandle National Forests, Sandpoints Ranger District, Bonner County, ID, Comment Period Ends: June 24, 2002, Contact: Judy York (208) 265–6665. This document is available on the Internet at: ([www.ferc.gov](http://www.ferc.gov).)

EIS No. 020174, Draft EIS, USN, CA, Naval Station Treasure Island Disposal and Reuse Property, Implementation, Local Redevelopment Authority (LRA), City of San Francisco, San Francisco County, CA, Comment Period Ends: June 24, 2002, Contact: Timarie Seneca (619) 532–0995.

EIS No. 020175, Final EIS, BLM, CA, Mesquite Mine Expansion Project, To Expand the Existing Open-Pit, Heap-Leach, and Precious Metal Mine, Federal Mine Plan of Operations Approval, Conditional Use Permits and Reclamation Plan Approval, Imperial County, CA, Wait Period Ends: June 10, 2002, Contact: Kevin Marty (760) 337–4422. This document is available on the Internet at: [www.ca.blm.gov/elcentro/mesquite/](http://www.ca.blm.gov/elcentro/mesquite/).

EIS No. 020176, Final EIS, AFS, WA, Upper Charley Subwatershed Ecosystem Restoration Projects, Implementation, Pomeroy Ranger District, Umatilla National Forest, Garfield County, WA, Wait Period Ends: June 10, 2002, Contact: Monte Fujishin (509) 843–1891.

EIS No. 020177, Final EIS, NOA, HI, GU, AS, Coral Reef Ecosystems of the Western Pacific Region, Fishery Management Plan, Including Amendments to Four Existing (FMPs), Amendment 7—Bottomfish and Seamouth Groundfish Fisheries, Amendment 11—Crustaceans Fisheries; Amendment 5—Precious Corals Fisheries and Amendment 10—Pelagics Fisheries, HI, GU and AS, Wait Period Ends: June 10, 2002, Contact: Charles Karnella (808) 973–2937.

Dated: May 7, 2002.

### Joseph C. Montgomery,

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

[FR Doc. 02–11783 Filed 5–9–02; 8:45 am]

**BILLING CODE 6560–50–M**

## ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6629–2]

### 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 FR dated April 12, 2002 (67 FR 17992).

### Draft EISs

ERP No. D–AFS–K65238–CA Rating EC2, Star Fire Restoration Removal of Fire-Killed Trees, Road Reconstruction, and Associated Restoration, Eldorado National Forests (ENF) Georgetown Ranger District, Middle Fork American River, Chipmunk Ridge and the North Fork of Long Canyon, Placer County, CA.

*Summary:* EPA expressed environmental concerns about impacts to riparian areas, water quality and wildlife habitat. The final EIS should expand the discussion on cumulative impacts, impacts from reasonably foreseeable actions and potential use of pesticides and herbicides.

ERP No. D–AFS–K65394–CA Rating EO2, Los Padres National Forest Oil and Gas Leasing Management, Implementation, Kern, Los Angeles, Monterey, Santa Barbara and San Luis Obispo Counties, CA.

*Summary:* EPA expressed environmental objections based on severe air quality impacts projected during maximum development activity. EPA noted that Standard Lease Terms-only, proposed under both of the Preferred Alternatives may not adequately protect natural resources. EPA recommends additional lease stipulations to reduce air emissions.

ERP No. D–AFS–L67037–00 Rating EC2, Programmatic—Siskiyou National Forest Suction Dredging Activities, Operating Plan Terms and Conditions Approval, Coos, Curry and Josephine Counties, OR and Del Norte County, CA.

*Summary:* EPA expressed environmental concerns over the lack of mitigation measures to address impacts of roads and limit potential adverse impacts to mollusks, amphibians and fish. EPA believes that mitigation measures included in Alternative 3 are