

comments must be filed with the Commission within 105 days from the date of this notice.

All filings must (1) bear in all capital letters the title "COMMENTS", "REPLY COMMENTS", "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS"; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

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

*Deputy Secretary.*

[FR Doc. 02-4037 Filed 2-19-02; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Application Tendered for Filing With the Commission, Soliciting Additional Study Requests, and Establishing Procedures for Relicensing and a Deadline for Submission of Final Amendments

February 13, 2002.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 7000-015.

c. *Date Filed:* January 30, 2002.

d. *Applicant:* Newton Falls Holdings, LLC (NFH).

e. *Name of Project:* Newton Falls Hydroelectric Project.

f. *Location:* The existing project is located on the Oswegatchie River in St. Lawrence County, New York. The project does not affect federal lands.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Harold G. Slone, Manager, Newton Falls Holdings, LLC, 1930 West Wesley Road, NW,

Atlanta, GA 30327; Telephone (770) 638-1172

i. *FERC Contact:* Jim Haimes, (202) 219-2780 or [james.haimes@ferc.gov](mailto:james.haimes@ferc.gov).

j. *Deadline for filing additional study requests:* April 1, 2002.

All documents (original and eight copies) should be filed with: Magalie Roman Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Additional study requests 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 (<http://www.ferc.gov>) under the "e-Filing" link.

k. This application is not ready for environmental analysis at this time.

l. The existing Newton Falls Hydroelectric Project consists of an upper and a lower development with a combined installed capacity of 2,220 kilowatts (kW). The project produces an average annual generation of 9,500,000 kilowatt-hours. From approximately 1927 until late 2000, the electricity produced by the project was consumed by the adjacent Newton Falls Paper Mill. Since this facility ceased manufacturing operations, almost all electricity produced at the project has been sold to the Niagara Mohawk Power Corporation.

The upper development includes the following constructed facilities: (1) A 40-foot-high, 600-foot-long, concrete gravity dam with 3-foot-high flash boards mounted on the 58-foot-long spillway; (2) a 42-foot-long floodgate structure with four gates; (3) a 650-acre reservoir with a gross storage capacity of 5,930 acre-feet; (4) a reinforced concrete intake structure with a maximum height of 25 feet, equipped with trash racks having 2-inch spacing; (5) a 9-foot-diameter, 1,200-foot-long, wood stave penstock supported on timber cradles and mud sills; (6) a riveted steel surge tank; (7) a 49-foot-long, 26-foot-wide, and 45-foot-high, reinforced concrete and brick powerhouse, containing three vertical Francis turbines with a combined maximum hydraulic capacity of 464 cubic feet per second (cfs) and a net head of 46 feet, directly connected

to three generator units having a total installed capacity of 1,540 kilowatts (kW); (8) a 375-foot-long, 60 Hertz transmission line; and (9) appurtenant facilities.

The lower development includes the following constructed facilities: (1) A 28-foot-high, 350-foot-long, concrete gravity dam with 3-foot-high flash boards mounted on the 120-foot-long spillway; (2) a 9-acre impoundment with a gross storage capacity of 115 acre-feet; (3) a 15-foot-high, reinforced concrete intake structure, equipped with trash racks having 2-inch spacing; (4) a 60-foot-long by 40-foot-wide, reinforced concrete powerhouse located immediately downstream of the dam, containing one vertical Francis turbine with a maximum hydraulic capacity of 486 cfs and a net head of 22 feet, directly connected to a 680-kW generator unit; (5) a 2,200-foot-long, 60 Hertz transmission line; and (6) appurtenant facilities.

With the exception of periods of high inflows, the upper development is operated as a daily peaking facility with most generation taking place during the hours of peak electricity demand. This store and release operation is restricted during the months of May and June, the spawning period for smallmouth bass and northern pike, such that daily reservoir drawdowns do not exceed 1 foot from the top of the flash boards. During the remainder of the year, daily peaking causes reservoir drawdowns of up to 2.2 feet from the top of the flash boards.

The tailrace of the upper development discharges directly into the lower development's reservoir. Generally, the hydraulic output of the lower powerhouse is established such that it releases approximately the same flow as the upper one. Consequently, daily drawdowns of the lower reservoir are minimal.

Although the project's current license does not mandate the provision of minimum flows in the project's bypassed reaches, the licensee is required to provide a continuous minimum flow of 100 cfs or project inflow, whichever is less, below the lower development. Further, the existing license does not require the provision of public recreational facilities at the project. Currently, the applicant and concerned agencies and non-governmental organizations are discussing a settlement agreement that would require NFH to implement various environmental enhancement measures at the project.

m. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the

Commission's Public Reference Room, Room 2A, located at 888 First Street, NE, Washington, DC 20426, or by calling (202) 208-1371. The application may be viewed on the Web at <http://www.ferc.gov> using the "RIMS" link—select "Docket P-7000" and follow the instructions (call (202) 208-2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

n. With this notice, we are initiating consultation with the New York State Historic Preservation Officer as required by Section 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

o. Under section 4.32(b)(7) of the Commission's regulations (18 CFR 4.32(b)(7)), if any resource agency, Indian Tribe, or person believes that the applicant should conduct an additional scientific study to form an adequate factual basis for a complete analysis of the application on its merits, they must file a request for the study with the Commission, not later than 60 days after the date the application is filed, and must serve a copy of the request on the applicant.

p. Procedural schedule and final amendments: The application will be processed to include the following actions, some of which may be combined to expedite processing:

- Notice of application accepted for filing
- Notice of NEPA scoping
- Notice of application ready for environmental analysis
- Notice of the availability of the draft NEPA document
- Notice of the availability of the final NEPA document
- Order issuing the Commission's decision on the application

Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

**Linwood A. Watson, Jr.,**  
Deputy Secretary.

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7147-7]

### Acid Rain Program: Notice of State Acid Rain Programs

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

**ACTION:** Notice.

**SUMMARY:** Under titles IV and V of the Act, State and local air permitting authorities develop and administer acid rain programs as part of their title V operating permits programs. The state and local permitting authorities listed in this notice submitted acid rain programs for EPA review that are acceptable to the EPA Administrator as part of their title V operating permits programs. This notice is for informational purposes only and does not supplant any other **Federal Register** notices under title V.

**FOR FURTHER INFORMATION CONTACT:** Robert Miller, U.S. EPA, Clean Air Markets Division (6204N), 1200 Pennsylvania Ave. NW, Washington, DC 20460, (202) 564-9077.

**SUPPLEMENTARY INFORMATION:** The following state and local permitting authorities have submitted Acid Rain programs that are acceptable to the EPA Administrator as part of their title V operating permits programs:

#### Region 3

The Delaware Department of Natural Resources and Environmental Control in the state of Delaware, the Maryland Department of the Environment in the state of Maryland, the Pennsylvania Department of Environmental Protection in the state of Pennsylvania, the Virginia Department of Environmental Quality in the Commonwealth of Virginia, and the Department of Health, Bureau of Environmental Quality in the District of Columbia;

#### Region 4

The Western North Carolina Regional Air Quality Agency in the state of North Carolina;

#### Region 5

The Illinois Environmental Protection Agency in the state of Illinois and the Ohio Environmental Protection Agency in the state of Ohio;

#### Region 8

The Wyoming Department of Environmental Quality in the State of Wyoming.

Dated: February 8, 2002.

**Brian J. McLean,**

Director, Acid Rain Division, Office of Atmospheric Programs, Office of Air and Radiation.

[FR Doc. 02-4069 Filed 2-19-02; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[OPP-50875C; FRL-6820-4]

### Experimental Use Permit; Receipt of Application

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

**ACTION:** Notice.

**SUMMARY:** This notice announces receipt of an application to amend 524-EUP-93 from Monsanto Company requesting an experimental use permit (EUP) for the plant-pesticide *Bacillus thuringiensis* Cry3Bb protein and the genetic material necessary for its production (Vector ZMIR13L) in corn plants. The Agency has determined that the application may be of regional and national significance. Therefore, in accordance with 40 CFR 172.11(a), the Agency is soliciting comments on this application.

**DATES:** Comments, identified by docket control number OPP-50875C, must be received on or before March 22, 2002.

**ADDRESSES:** Comments and data 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 control number OPP-50875C in the subject line on the first page of your response.

**FOR FURTHER INFORMATION CONTACT:** By mail: Mike Mendelsohn, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308-8715; e-mail address: [mendelsohn.mike@epa.gov](mailto:mendelsohn.mike@epa.gov).

#### SUPPLEMENTARY INFORMATION:

#### I. General Information

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

This action is directed to the public in general. This action may, however, be of interest to those persons who are interested in agricultural biotechnology or may be required to conduct testing of chemical substances under the Federal Food, Drug, and Cosmetic Act (FFDCA) or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). 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**.