

**Statutory Authority:** Section 52 of the Federal Energy Administration Act (Pub. L. No. 93-275, 15 U.S.C. 790a).

Issued in Washington, DC, November 27, 2002.

**Jay H. Casselberry,**

*Agency Clearance Officer, Statistics and Methods Group, Energy Information Administration.*

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**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EC03-19-000, et al.]

#### El Paso Merchant Energy, et al.; Electric Rate and Corporate Filings

November 26, 2002.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

##### 1. El Paso Merchant Energy North America Company, Kenneth M. Pollock and Connie J. Pollock Rado, Mt. Carmel Cogen, Inc.

[Docket No. EC03-19-000]

Take notice that on November 21, 2002, El Paso Merchant Energy North America Company (EPME), Kenneth M. Pollock and Connie J. Pollock Rado (the Pollocks), and Mt. Carmel Cogen, Inc. (Mt. Carmel) (jointly Applicants) filed with the Federal Energy Regulatory Commission (Commission) an application pursuant to section 203 of the Federal Power Act for authorization to effectuate a transfer of all shares of stock in Mt. Carmel (which constitutes an indirect change in control over Mt. Carmel's jurisdictional facilities) from EPME to the Pollocks. Mt. Carmel owns and operates a 45-MW generating facility in Mount Carmel, Pennsylvania. Applicants also request expedited consideration of this application and privileged treatment for certain exhibits pursuant to 18 CFR 33.9 and 388.112.

*Comment Date:* December 12, 2002.

##### 2. Prairie State Generating Company, LLC

[Docket No. EG02-21-000]

Take notice that on November 21, 2002, Prairie State Generating Company, LLC (Prairie State) with a principle place of business at 701 Market Street, Suite 900, St. Louis, MO 63101 filed with the Federal Energy Regulatory Commission (Commission) an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission regulations.

Prairie State states that it is a wholly owned subsidiary of Peabody Energy Corporation, a private-sector coal company. Prairie State filed its application in conjunction with the proposed construction of two 750 MW mine-mouth pulverized coal generating units to be located in Washington County, Illinois.

*Comment Date:* December 16, 2002.

##### 3. TransCanada Power Marketing Ltd.

[Docket No. ER98-564-007]

Take notice that on November 21, 2002, TransCanada Power Marketing Ltd. (TCPM) filed with the Federal Energy Regulatory Commission (Commission) a notification of a change in status to reflect certain departures from the facts the Commission relied upon in granting market-based rate authority.

*Comment Date:* December 12, 2002.

##### 4. Idaho Power Company

[Docket No. ER03-66-001]

Take notice that on November 21, 2002, Idaho Power Company tendered for filing with the Federal Energy Regulatory Commission (Commission) an amendment to its filing in the above-captioned docket.

*Comment Date:* December 12, 2002.

##### 5. PPL Electric Utilities Corporation

[Docket No. ER03-77-000]

Take notice that on November 21, 2002, PPL Electric Utilities Corporation (PPL Electric Utilities) tendered for filing with the Federal Energy Regulatory Commission (Commission) a notice of withdrawal of its filing made on October 23, 2002, in the above-captioned proceeding.

The notice of the withdrawal has been served on Long Island Lighting Company.

*Comment Date:* December 12, 2002.

##### 6. PPL Electric Utilities Corporation

[Docket No. ER03-79-000]

Take notice that on November 21, 2002, PPL Electric Utilities Corporation (PPL Electric Utilities) tendered for filing with the Federal Energy Regulatory Commission (Commission) a notice of withdrawal of its October 23, 2002, filing in the above-captioned proceeding.

The notice of the withdrawal has been served on Consolidated Edison Company of New York, Inc.

*Comment Date:* December 12, 2002.

##### 7. PPL Electric Utilities Corporation

[Docket No. ER03-80-000]

Take notice that on November 21, 2002, PPL Electric Utilities Corporation

(PPL Electric Utilities) tendered for filing with the Federal Energy Regulatory Commission (Commission) a notice of withdrawal of its October 23, 2002, filing in the above-captioned proceeding.

The notice of the withdrawal has been served on Electric Clearinghouse, Inc.

*Comment Date:* December 12, 2002.

##### 8. Termoelectrica US, LLC

[Docket No. ER03-175-001]

Take notice that on November 19, 2002, Termoelectrica US, LLC (Termoelectrica US) filed with the Federal Energy Regulatory Commission (Commission) an errata to its November 12, 2002, filing of a petition for waivers and blanket approvals under various regulations of the Commission and for an order accepting its proposed Rate Schedule FERC No. 1 authorizing Termoelectrica U.S. to make sales at market-based rates. The errata corrects an error in the header of the Rate Schedule.

Termoelectrica U.S. intends to sell electric power and ancillary services at wholesale. In transactions where Termoelectrica U.S. sells electric power or ancillary services it proposed to make such sales on rates, terms, and conditions to be mutually agreed to with the purchasing party. The Rate Schedule provides for the sale of energy and capacity and ancillary services at agreed prices.

Termoelectrica U.S. is requesting an effective date of November 13, 2002.

*Comment Date:* December 10, 2002.

##### 9. Pacific Gas and Electric Company

[Docket No. ER03-198-000]

Take notice that on November 20, 2002, Pacific Gas and Electric Company (PG&E) tendered for filing with the Federal Energy Regulatory Commission (Commission) a petition requesting clarification that PG&E is authorized to make wholesale power sales outside the California Power Exchange at market-based rates by granting certain waivers and accepting for filing a proposed tariff governing sales of electric capacity, energy and certain ancillary services at market-based rates in the Western Interconnection pursuant to section 205 of the Federal Power Act.

*Comment Date:* December 11, 2002.

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

[Docket No. ER03-200-000]

Take notice that on November 18, 2002, the New York Independent System Operator, Inc. (NYISO) filed a new attachment V of its Open Access Transmission Tariff (OATT) regarding

the ISO's Working Capital Fund. The NYISO has requested an effective date of January 17, 2003 for the filing.

The NYISO has served a copy of this filing upon all parties that have executed service agreements under the NYISO's Open Access Transmission Tariff or the Market Administration and Control Area Services Tariff and upon the New York State Public Service Commission.

*Comment Date:* December 9, 2002.

#### 11. EnCana Energy Services Inc.

[Docket No. ER03-201-000]

Take notice that on November 21, 2002, EnCana Energy Services Inc. tendered for filing with the Federal Energy Regulatory Commission (Commission) a notice of cancellation of its market based rate tariff, Rate Schedule FERC No. 1.

*Comment Date:* December 12, 2002.

#### 12. New England Power Pool

[Docket No. ER03-202-000]

Take notice that on November 21, 2002, the New England Power Pool (NEPOOL) Participants Committee submitted a filing that contains a weekly billing agreement between NEPOOL, ISO New England Inc. and NRG Power Marketing Inc., on behalf of itself and several affiliates (collectively, the NRG Participants). The filing reflects billing arrangements for the NRG Participants that are being followed by ISO New England Inc. as NEPOOL's billing agent on and after November 15, 2002, the date that the agreement was executed.

The Participants Committee states that copies of this filing were sent to the NEPOOL Participants and the New England state governors and regulatory commissions.

*Comment Date:* December 12, 2002.

#### 13. Wisconsin Public Service Corporation

[Docket No. ER03-203-000]

Take notice that on November 21, 2002, Wisconsin Public Service Corporation (WPSC) tendered for filing with the Federal Energy Regulatory Commission (Commission) a notice of cancellation of its T-1 tariff for transmission service, FERC Electric Tariff, Original Volume No. 4. In conformity with Order No. 614, WPSC also tendered a cancelled tariff sheet.

WPSC respectfully requests that the Commission accept its filing and allow the cancellation to become effective as of November 22, 2002, the day after filing.

A copy of the filing was served upon the Public Service Commission of Wisconsin and the Michigan Public Service Commission.

*Comment Date:* December 12, 2002.

#### 14. Southwest Power Pool, Inc.

[Docket No. ER03-204-000]

Take notice that on November 21, 2002, Southwest Power Pool, Inc. (SPP) submitted for filing an executed service agreement for Firm Point-to-Point Transmission Service with Western Resources d.b.a. Westar Energy (Transmission Customer). SPP seeks an effective date of November 1, 2002 for this service agreement.

The Transmission Customer was served with a copy of this filing.

*Comment Date:* December 12, 2002.

#### 15. CES Marketing, LLC

[Docket No. ER03-205-000]

Take notice that on November 21, 2002, CES Marketing, LLC tendered for filing, under section 205 of the Federal Power Act (FPA), a request for authorization to make wholesale sales of electric energy, capacity, replacement reserves, and ancillary services at market-based rates, to reassign transmission capacity, and to resell firm transmission rights.

*Comment Date:* December 12, 2002.

#### 16. CES Marketing II, LLC

[Docket No. ER03-206-000]

Take notice that on November 21, 2002, CES Marketing II, LLC tendered for filing, under section 205 of the Federal Power Act (FPA), a request for authorization to make wholesale sales of electric energy, capacity, replacement reserves, and ancillary services at market-based rates, to reassign transmission capacity, and to resell firm transmission rights.

*Comment Date:* December 12, 2002.

#### 17. CES Marketing III, LLC

[Docket No. ER03-207-000]

Take notice that on November 21, 2002, CES Marketing III, LLC tendered for filing, under section 205 of the Federal Power Act (FPA), a request for authorization to make wholesale sales of electric energy, capacity, replacement reserves, and ancillary services at market-based rates, to reassign transmission capacity, and to resell firm transmission rights.

*Comment Date:* December 12, 2002.

#### 18. CES Marketing IV, L.P.

[Docket No. ER03-208-000]

Take notice that on November 21, 2002, CES Marketing IV, L.P. tendered for filing, under section 205 of the Federal Power Act (FPA), a request for authorization to make wholesale sales of electric energy, capacity, replacement reserves, and ancillary services at

market-based rates, to reassign transmission capacity, and to resell firm transmission rights.

*Comment Date:* December 12, 2002.

#### 19. CES Marketing V, L.P.

[Docket No. ER03-209-000]

Take notice that on November 21, 2002, CES Marketing V, L.P. tendered for filing, under section 205 of the Federal Power Act (FPA), a request for authorization to make wholesale sales of electric energy, capacity, replacement reserves, and ancillary services at market-based rates, to reassign transmission capacity, and to resell firm transmission rights.

*Comment Date:* December 12, 2002.

#### 20. New England Power Pool, ISO New England Inc.

[Docket No. ER03-210-000]

Take notice that on November 22, 2002, the New England Power Pool (NEPOOL) Participants Committee submitted for filing the Ninety-Second Agreement Amending New England Power Pool Agreement (Ninety-Second Agreement) which proposes changes to the Restated NEPOOL Agreement to implement Market rule 1, and the Ninety-Third Agreement Amending New England Power Pool Agreement (Ninety-Third Agreement) which proposes changes to the NEPOOL tariff to implement Market rule 1. In the same filing, NEPOOL and ISO New England (ISO-NE) jointly filed amendments to Market rule 1 and its appendices.

The NEPOOL Participants Committee states that copies of these materials were sent to the NEPOOL participants, non-participant transmission customers and the New England state governors and regulatory commissions.

*Comment Date:* December 13, 2002.

#### Standard Paragraph

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 "FERRIS" link. Enter the docket number excluding the last three digits in the docket number filed to access the document. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208-3676, or for TTY, contact (202) 502-8659. 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. The Commission strongly encourages electronic filings.

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

*Deputy Secretary.*

[FR Doc. 02-30560 Filed 11-29-02; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7415-8]

### Inquiry to Learn Whether Businesses Assert Business Confidentiality Claims Covering Information Contained in Notifications of Intent to Export Hazardous Waste From the United States, or Notifications Under 40 CFR Part 262, Subpart H, Manifests for Shipments of Hazardous Waste From the United States and Other Documents Containing the Same Information; Notice of Opportunity To Comment

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

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency has received Freedom of Information (FOIA) requests for the Hazardous Waste Export Data System and documents contained therein pertaining to the export of hazardous waste from the United States. The purpose of this notice is to contact affected businesses other than those who furnished the documents sought in the FOIA requests and to provide notice to those businesses of the opportunity to submit comments to EPA regarding whether the information sought in those FOIA requests is entitled to treatment as confidential business information.

**DATES:** You must ensure that your comments are postmarked or hand delivered to the EPA office designated below by January 2, 2003. The period for submission of comments may be extended if, before the comments are due, you make a request for an extension of the comment period and it

is approved by the EPA legal office. Except in extraordinary circumstances, the EPA legal office will not approve such an extension without the consent of any person whose request for release of the information under 5 U.S.C. 552 is pending.

**ADDRESSES:** Comments concerning this inquiry and notice should be submitted to Joseph F. Schive, Enforcement Planning, Targeting and Data Division (MC 2222A), Office of Compliance, Office of Enforcement and Compliance Assurance, Environmental Protection Agency, Room 5146A, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Joseph F. Schive, 202-564-4156.

**SUPPLEMENTARY INFORMATION:** The three types of documents subject to the document requests are the notification of intent to export (NOI) (part 262, subpart E) or notification (part 262, subpart H), submitted to EPA in accordance with 40 CFR 262.53 and 262.83, respectively; the manifest,<sup>1</sup> a copy of which is given to the United States Customs Service on leaving the United States, in accordance with 40 CFR 263.20(g)(4), and is then forwarded by Customs to EPA; and the annual report, submitted to EPA in accordance with 40 CFR 262.56 or 262.87(a).<sup>2</sup>

For the purposes of this notice, submitters of NOIs, notifications, manifests and annual reports shall be referred to as "submitters," and non-submitters which might be expected to assert a claim of business confidentiality because their information also is contained in the database or the requested documents shall be referred to as "other affected businesses." The types of businesses which comprise the category of submitters are the primary exporters<sup>3</sup> (NOI and annual report) and

notifiers<sup>4</sup> (notification and annual report), and the generators<sup>5</sup> (manifest). The two types of businesses included in the category of other affected businesses are the transporters<sup>6</sup> of hazardous waste; and the consignees<sup>7</sup> (and alternate consignees) under subpart E, or consignees<sup>8</sup> and recovery facilities<sup>9</sup> under subpart H. The latter are located outside the United States, in the receiving or importing countries. Thus, affected businesses may include foreign business entities, as well as domestic businesses.

The submitters of the documents sought in the FOIA requests did not assert a claim of business confidentiality covering part or all of that information. As set forth in the Resource Conservation and Recovery Act (RCRA) regulations, at 40 CFR 260.2(b), "if no such claim accompanies the information when it is received by EPA, it may be made available to the public without further notice to the person submitting it." Moreover, as EPA pointed out in the preambles to the proposed and final RCRA export rules, 51 FR 8744 (March 13, 1986) and 51 FR 28644 (August 8, 1986), respectively, EPA does not believe that notification information and also manifest information generally are entitled to treatment as confidential business information. Nevertheless, EPA is mindful of the fact that the cited provision must be read in conjunction with the protection which the FOIA regulations afford other affected businesses.

<sup>4</sup> Section 262.81 defines "notifier" as "the person under the jurisdiction of the exporting country which has, or will have at the time the planned transfrontier movement commences, possession or other forms of legal control of the wastes and who proposes their transfrontier movement for the ultimate purpose of submitting them to recovery operations. When the United States (U.S.) is the exporting country, notifier is interpreted to mean a person domiciled in the U.S."

<sup>5</sup> Section 260.10 defines "generator" as "any person, by site, whose act or process produces hazardous waste identified or listed in part 261 of this chapter or whose act first causes a hazardous waste to become subject to regulation."

<sup>6</sup> Section 260.10 defines "transporter" as "a person engaged in the offsite transportation of hazardous waste by air, rail, highway or water."

<sup>7</sup> Section 262.51 defines "consignee" for purposes of subpart F as "the ultimate treatment, storage or disposal facility in a receiving country to which the hazardous waste will be sent."

<sup>8</sup> Section 262.83 defines "consignee" for purposes of subpart H as "the person to whom possession or other form of legal control of the waste is assigned at the time the waste is received in the importing country."

<sup>9</sup> Section 262.83 defines "recovery facility" as "an entity which, under applicable domestic law, is operating or is authorized to operate in the importing country to receive wastes and to perform recovery operations on them."

<sup>1</sup> Section 260.10 defines "manifest" as "the shipping document EPA form 8700-22 and, if necessary, EPA form 8700-22A, originated and signed by the generator in accordance with the instructions included in the appendix to part 262."

<sup>2</sup> Other documents contained in the database, including renotifications (40 CFR 262.53(c)), transit notifications, acknowledgments of consent (*id.* § 262.53(f)), and exception reports (*id.* §§ 262.56 and 262.87(b)), also involve the same parties and some of the same types of information. To the extent the parties and information overlap, this inquiry and notice will provide the opportunity to claim confidential business information treatment for these documents as well.

<sup>3</sup> Section 262.51 defines "primary exporter" as "any person who is required to originate the manifest for a shipment of hazardous waste in accordance with 40 CFR part 262, subpart B, or equivalent State provision, which specifies a treatment, storage or disposal facility in a receiving country as the facility to which the hazardous waste will be sent and any intermediary arranging for the export."