

publication of this notice in the **Federal Register**.

Magalie R. Salas,

Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01-919-001, et al.]

Engage Energy America LLC, et al.; Electric Rate and Corporate Regulation Filings

February 13, 2002.

Take notice that the following filings have been made with the Commission. Any comments should be submitted in accordance with Standard Paragraph E at the end of this notice.

1. Engage Energy America LLC

[Docket No. ER01-919-001]

Take notice that on February 8, 2002, Engage Energy America LLC (Engage America) filed a notice of change of status and a Code of Conduct respecting Engage America's pending affiliation with Duke Energy Corporation.

Comment Date: March 1, 2002.

2. Cinergy Services, Inc.

[Docket No. ER01-3022-002]

Take notice that on February 8, 2002, Cinergy Services, Inc. (Cinergy) tendered for filing a Substitute First Revised page 3 and a Substitute First Revised Attachment A of an unexecuted Interconnection Agreement filed January 25, 2002 in this docket. The Substitute First Revised page 3 and Substitute First Revised Attachment A corrects a corporate name mistakenly referenced in the originally filed version.

Consistent with the Commission's October 26, 2001 Order in this Docket, Cinergy requests an effective date of September 8, 2001 for the Substitute First Revised page 3 and Substitute First Revised Attachment A.

Cinergy states that it has served a copy of its filing upon the Indiana Utility Regulatory Commission and Sugar Creek Energy, LLC.

Comment Date: March 1, 2002.

3. Duquesne Light Company

[Docket No. ER02-995-000]

Take notice that on February 11, 2002 Duquesne Light Company (DLC) filed a Service Agreement dated February 8, 2002 with NRG Power Marketing, Inc. under DLC's Open Access Transmission

Tariff (Tariff). The Service Agreement adds NRG Power Marketing, Inc. as a customer under the Tariff.

DLC requests an effective date of February 8, 2002 for the Service Agreement.

Comment Date: March 4, 2002.

4. Duquesne Light Company

[Docket No. ER02-996-000]

Take notice that on February 11, 2002, Duquesne Light Company (DLC) filed a Service Agreement dated February 8, 2002 with NRG Power Marketing, Inc. under DLC's Open Access Transmission Tariff (Tariff). The Service Agreement adds NRG Power Marketing, Inc. as a customer under the Tariff.

DLC requests an effective date of February 8, 2002 for the Service Agreement.

Comment Date: March 4, 2002.

5. Southern Indiana Gas & Electric Company

[Docket No. ER02-997-000]

Take notice that on February 11, 2002, Southern Indiana Gas & Electric Company (SIGECO), tendered for filing an unexecuted Service Agreement for Generator-Related Ancillary Services between SIGECO and Midwest Independent Transmission System Operator, Inc. (Midwest ISO) under SIGECO's FERC Electric Tariff, Second Revised Volume No. 3.

SIGECO respectfully requests that the Service Agreement become effective on February 1, 2002, the date service commenced. Copies of the filing were served upon the above-mentioned company and the Indiana Utility Regulatory Commission.

Comment Date: March 4, 2002.

6. Central Power and Light Company Public Service Company of Oklahoma Southwestern Electric Power Company West Texas Utilities Company

[Docket Nos. OA97-24-007, ER97-881-004, ER98-4609-004 and ER98-4611-005]

Take notice that on February 8, 2002, Central Power and Light Company, Public Service Company of Oklahoma, Southwestern Electric Power Company and West Texas Utilities Company (collectively, the Companies) submitted for filing with the Federal Energy Regulatory Commission (Commission) revised pages to their open access transmission service tariff in compliance with the Commission's November 8, 2001 order in the above-captioned proceedings.

The Companies state that a copy of the filing has been served on all parties to this proceeding, all customers under the tariff and the Public Utility

Commission of Texas, the Louisiana Public Service Commission, the Arkansas Public Service Commission and the Oklahoma Corporation Commission.

Comment Date: March 1, 2002.

Standard Paragraph:

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest 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). All such motions or protests should be filed on or before the comment date. 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. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Web at <http://www.ferc.gov> using the "RIMS" link, select "Docket#" and follow the instructions (call 202-208-2222 for assistance). Comments, 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.

Magalie R. Salas,

Secretary.

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ENVIRONMENTAL PROTECTION AGENCY

[Regional Docket Nos. II-2000-01, 02, 03; FRL-7148-6]

Clean Air Act Operating Permit Program; Petitions for Objection to State Operating Permits for the Albert Einstein College of Medicine at Yeshiva University; Action Packaging Corporation; and Kings Plaza Total Energy Plant

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final orders on petitions to object to three State operating permits.

SUMMARY: This document announces that the EPA Administrator has responded to several citizen petitions asking EPA to object to operating permits issued to three facilities by the

New York State Department of Environmental Conservation (NYSDEC). Specifically, the Administrator has denied a petition submitted by the New York Public Interest Research Group (NYPIRG) to object to the State operating permit issued to the Albert Einstein College of Medicine at Yeshiva University (Yeshiva), in Bronx, NY. The Administrator has partially granted and partially denied a petition submitted by NYPIRG to object to the State operating permit issued to Action Packaging Corporation (Action Packaging), in Brooklyn, NY. The Administrator has also partially granted and partially denied a petition submitted by NYPIRG to object to the State operating permit issued to Kings Plaza Total Energy Plant (Kings Plaza), in Brooklyn, NY.

Pursuant to section 505(b)(2) of the Clean Air Act (Act), petitioners may seek judicial review of those portions of the petitions which EPA denied in the United States Court of Appeals for the appropriate circuit. Any petition for review shall be filed within 60 days from the date this notice appears in the **Federal Register**, pursuant to section 307 of the Act.

ADDRESSES: You may review copies of the final orders, the petitions, and other supporting information at the EPA, Region 2, 290 Broadway, New York, New York 10007-1866. If you wish to examine these documents, you should make an appointment at least 24 hours before visiting day. Each of the final orders is also available electronically at: <http://www.epa.gov/region07/programs/artd/air/title5/petitiondb/petitiondb2000.htm>.

FOR FURTHER INFORMATION CONTACT: Steven Riva, Chief, Permitting Section, Air Programs Branch, Division of Environmental Planning and Protection, EPA, Region 2, 290 Broadway, 25th Floor, New York, New York 10007-1866, telephone (212) 637-4074.

SUPPLEMENTARY INFORMATION: The Act affords EPA a 45-day period to review, and object to as appropriate, operating permits proposed by State permitting authorities. Section 505(b)(2) of the Act authorizes any person to petition the EPA Administrator within 60 days after the expiration of this review period to object to State operating permits if EPA has not done so. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the State, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or the grounds for the issues arose after this period.

I. Yeshiva

On March 15, 2000, the EPA received a petition from NYPIRG, requesting that EPA object to the issuance of the title V operating permit to Yeshiva. The petition raises issues regarding the permit application, the permit issuance process, and the permit itself. NYPIRG asserts that (1) NYSDEC violated the public participation requirements of 40 CFR 70.7(h) by inappropriately denying NYPIRG's request for a public hearing; (2) the permit is based on an incomplete permit application in violation of 40 CFR 70.5(c); (3) the permit entirely lacks a statement of basis as required by 40 CFR 70.7(a)(5); (4) the permit repeatedly violates the 40 CFR 70.6(a)(3)(iii)(A) requirement that the permittee submit reports of any required monitoring at least every six months; (5) the permit distorts the annual compliance certification requirement of CAA section 114(a)(3) and 40 CFR 70.6(c)(5); (6) the permit does not assure compliance with all applicable requirements as mandated by 40 CFR 70.1(b) and 70.6(a)(1) because it illegally sanctions the systematic violations of applicable requirements during startup/shutdown, malfunction, maintenance, and upset conditions; (7) the permit does not require prompt reporting of all deviations from permit requirements as mandated by 40 CFR 70.6(a)(3)(iii)(B); and (8) the permit does not assure compliance with all applicable requirements as mandated by 40 CFR 70.1(b) and 70.6(a)(1) because many individual permit conditions lack adequate periodic monitoring and are not practically enforceable.

NYPIRG raises each of these issues in the petitions on Action Packaging and Kings Plaza, as well. In each of these petitions, the eighth issue is subdivided into several detailed points, some which are permit-specific and some which are shared among the other permits.

On January 16, 2002, the Administrator issued an order denying the petition on Yeshiva. The order explains the reasons behind EPA's conclusion that NYPIRG has failed to demonstrate that Yeshiva's permit does not assure compliance with the Act on the grounds raised.

II. Action Packaging

On April 7, 2000, the EPA received a petition from NYPIRG, requesting that EPA object to the issuance of the title V operating permit to Action Packaging, on the grounds listed above. On January 16, 2002, the Administrator issued an order partially granting and partially denying the petition. The order explains the reasons behind EPA's conclusion that the NYSDEC must reopen the

permit to require adequate monitoring of the exhaust gas temperature from the facility's incinerator, and to properly address the applicable requirements of the Maximum Achievable Control Technology standard regulating air toxics from this industry. The order also explains the reasons for denying NYPIRG's remaining claims.

III. Kings Plaza

On May 5, 2000, the EPA received a petition from NYPIRG, requesting that EPA object to the issuance of the title V operating permit to Kings Plaza on the grounds listed above. On January 16, 2002, the Administrator issued an order partially granting and partially denying the petition. The order explains the reasons behind EPA's conclusion that the NYSDEC must reopen the permit to properly reference the facility's plan for complying with the Reasonably Available Control Technology requirements for nitrogen oxides (NO_x), and resolve discrepancies in the monitoring for NO_x. The order also explains the reasons for denying NYPIRG's remaining claims.

Dated: February 11, 2002.

Jane M. Kenny,

Regional Administrator, Region 2.

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ENVIRONMENTAL PROTECTION AGENCY

[CA071-NOA; FRL-7148-5]

Adequacy Status for Transportation Conformity Purposes of the Motor Vehicle Emissions Budgets in the San Francisco Bay Area Ozone Attainment Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of adequacy status.

SUMMARY: In this notice, EPA is notifying the public that it has found the motor vehicle emissions budgets in the submitted San Francisco Bay Area Ozone Attainment Plan for the 1-Hour National Ozone Standard (adopted October 24, 2001) are adequate for transportation conformity purposes.

DATES: The adequacy finding is effective March 8, 2002.

FOR FURTHER INFORMATION CONTACT: This notice, the findings letter and its enclosures (giving the basis for the adequacy finding and responses to public comments) are available on EPA's conformity web site: <http://www.epa.gov/otaq/traq>, (once there, click on the "Conformity" button, then