

Fixed Utility Services,  
 Pennsylvania Public Utility  
 Commission  
 Kevin J. Bliss, Washington  
 Representative, Interstate Oil and  
 Gas Compact Commission  
 Representative from the Federal  
 Bureau of Investigation—Invited  
 Representative from the Office of  
 Homeland Security—Invited  
 11 a.m. Facilitated Discussion  
 30 Minute facilitated discussion  
 among panel members.  
 11:30 a.m. Question and Answer  
 Session  
 15 minutes for questions from the  
 audience.  
 11:45 a.m. Break  
 12 p.m. Introduction of Next Panel  
 12:05 p.m. Panel II—Industry and  
 Other Perspectives  
 Panel Members  
 John Somerhalder, President, El Paso  
 Pipeline Group  
 Janice Alperin, Associate General  
 Counsel, El Paso Pipeline Group  
 Dena Wiggins, General Counsel,  
 Process Gas Consumers  
 Mary Jane McCartney, Senior Vice  
 President for Gas Operations,  
 Consolidated Edison Company  
 Michelle Joy, General Counsel,  
 American Oil Pipeline Association  
 12:55 p.m. Facilitated Discussion  
 30 Minute facilitated discussion  
 among panel members.  
 1:25 p.m. Question and Answer  
 Session  
 15 minutes for questions from the  
 audience.  
 1:40 p.m. Closing Remarks  
 [FR Doc. 02–9895 Filed 4–22–02; 8:45 am]  
 BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. AD02–15–000]

#### Conference on Emergency Reallocation of Natural Gas; Notice of Technical Conference and Agenda

April 16, 2002.

As announced in the Notice of  
 Conference issued April 2, 2002, staff  
 from the Federal Energy Regulatory  
 Commission (FERC or Commission) and  
 from the Department of Energy (DOE)  
 will convene a technical conference on  
 April 23, 2002 at 9 a.m. in the  
 Commission Meeting Room (2C) to  
 begin discussions with interested  
 parties on whether and how to clarify,  
 expedite and streamline processes for  
 reallocating natural gas among shippers,

pipelines, and local distribution  
 companies (LDCs) in today's non-  
 vertically integrated industry in the  
 event of a disaster, whether natural or  
 otherwise.

The conference Agenda is appended  
 to this Notice. Transcripts of the  
 conference will be available from Ace  
 Reporting Company (202–347–3700), for  
 a fee. The transcript will be available on  
 the Commission's RIMS system two  
 weeks after the conference.

For additional information, please  
 contact Carol Connors in the Office of  
 External Affairs at  
*carol.connors@ferc.gov*.

**Magalie R. Salas,**  
*Secretary.*

#### Conference on Emergency Reallocation of Natural Gas April 23, 2002.

9 a.m. Opening Remarks—FERC and  
 DOE  
 9:10 a.m. Formal Presentations  
 Presentations on the existing  
 authorities concerning emergency  
 reallocation.  
 Robert F. Christin, Energy Projects,  
 Lead Counsel, Office of the General  
 Counsel  
 Donald A. Juckett, Director, Natural  
 Gas and Petroleum Import/Export  
 Activities, Department of Energy,  
 Office of Fossil Energy  
 9:50 a.m. Panel I—Regulatory  
 Perspectives

#### Panel Members

Commissioner Charles R. Matthews,  
 Texas Railroad Commission  
 Phil Teumim, Director, Office of Gas  
 and Water, New York State Public  
 Service Commission  
 Representative from the Office of  
 Homeland Security—Invited  
 Representative from the National  
 Governors Association—Invited  
 10:30 a.m. Facilitated Discussion  
 30 Minute facilitated discussion  
 among panel members.  
 11:00 a.m. Question and Answer  
 Session  
 15 minutes for questions from the  
 audience.  
 11:15 a.m. Break  
 11:30 a.m. Introduction of Next Panel  
 11:35 a.m. Panel II—Industry and  
 Other Perspectives  
 Richard Smead, Vice President,  
 Regulatory Policy, El Paso Pipeline  
 Group  
 Janice Alperin, Associate General  
 Counsel, El Paso Pipeline Group  
 Dena Wiggins, General Counsel,  
 Process Gas Consumers  
 Mike Linn, President, Allegheny  
 Interests  
 Mark Haskell, Partner, Brunekant &

Haskell (for Natural Gas Supply  
 Association)  
 Jack Cashin, Senior Manager Policy,  
 Electric Power Supply Association  
 Richard McMahan, EEI Group  
 Director, Edison Electric Institute  
 LDC Representative from the Natural  
 Gas Council—Invited  
 12:55 p.m. Facilitated Discussion  
 30 Minute facilitated discussion  
 among panel members.  
 1:25 p.m. Question and Answer  
 Session  
 15 minutes for questions from the  
 audience.  
 1:40 p.m. Closing Remarks  
 [FR Doc. 02–9896 Filed 4–22–02; 8:45 am]  
 BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Membership of Performance Review Board

April 17, 2002.

The Federal Energy Regulatory  
 Commission (Commission) hereby  
 provides notice of the membership of its  
 Performance Review Board (PRB). This  
 action is undertaken in accordance with  
 Title 5, U.S.C., Section 4314(c)(4). The  
 Commission's PRB adds the following  
 member: J. Mark Robinson

**Magalie R. Salas,**  
*Secretary.*

[FR Doc. 02–9901 Filed 4–22–02; 8:45 am]  
 BILLING CODE 6717–01–P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL–7174–8]

#### Guidance on the CERCLA Section 101(10)(H) Federally Permitted Release Definition for Clean Air Act “Grandfathered” Sources

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

**ACTION:** Notice.

**SUMMARY:** EPA is publishing as an  
 appendix to this notice a guidance on  
 the CERCLA section 101(10)(H)  
 federally permitted release definition as  
 it applies to grandfathered sources  
 under the Clean Air Act (CAA).

**FOR FURTHER INFORMATION CONTACT:** Visit  
 the OECA Docket Web Site at  
[www.epa.gov/oeca/polguid/  
 enfdock.html](http://www.epa.gov/oeca/polguid/enfdock.html) or contact the RCRA/UST,  
 Superfund and EPCRA Hotline at (800)  
 424–9346 or (703) 412–9810 in

Washington, DC area. For general questions about this guidance, please contact Lynn Beasley at (703) 603-9086 and for enforcement related questions, please contact Ginny Phillips at (202) 564-6139 or mail your questions to: U.S. EPA, 1200 Pennsylvania Ave., Washington DC, 20460, attention Lynn Beasley, mail code 5204G.

#### SUPPLEMENTARY INFORMATION:

##### Purpose of this Notice

This notice announces guidance discussing the application of the federally permitted release exemption to air emissions from sources that are "grandfathered" under the Clean Air Act ("CAA"). The federally permitted release exemption pertains to the reporting requirements under two federal emergency response and public right to know laws: section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), as amended, 42 U.S.C. 9603, and section 304 of the Emergency Planning and Community Right-to-Know Act ("EPCRA"), 42 U.S.C. 11004. Federally permitted releases are defined in CERCLA section 101(10), which specifically identifies certain releases that are permitted or controlled under several environmental statutes. These releases are exempt from the notification requirements of CERCLA section 103 and EPCRA section 304. CERCLA section 101(10)(H) identifies releases that are exempt from reporting because they are subject to permits and regulations under the CAA.

On December 21, 1999, we published in the **Federal Register** the "Interim Guidance on the CERCLA section 101(10)(H) Federally Permitted Release Definition for Certain Air Emissions" ("Interim Guidance"). The Interim Guidance discussed several issues regarding the application of the federally permitted release exemption to air releases, including whether the exemption applies to releases from grandfathered sources. We requested comment on the Interim Guidance and held a public meeting, giving the public an opportunity to raise their concerns about these issues. On April 17, 2002, the Agency published the "Guidance on the CERCLA section 101(10)(H) Federally Permitted Release Definition for Certain Air Emissions," (67 FR 18899). This Guidance responded to the concerns raised by commentators and superceded the Interim Guidance. The Guidance, however, did not address the question of grandfathered sources and federally permitted releases. The document we publish today discusses grandfathered sources. This document

reflects our consideration of the comments submitted on the Interim Guidance regarding that issue, general concerns raised by previous **Federal Register** notices on the definition of federally permitted release, and our own experience in implementing the reporting requirements under CERCLA section 103 and EPCRA section 304. This guidance also incorporates principles articulated in EPA administrative adjudications.

This guidance does not impose new reporting requirements or change the types of releases which are required to be reported under CERCLA section 103 and EPCRA section 304 or the implementing regulations at 40 CFR parts 302 and 355. The legal authority for the reporting requirements arises from those statutory and regulatory provisions, as well as the statutory provisions on federally permitted releases, not from this guidance. Further, whether a particular air release of a hazardous substance or extremely hazardous substance is exempt from CERCLA section 103 and EPCRA section 304 reporting requirements requires a case-by-case determination based on the specific applicable permit language or control requirements. This guidance has no effect on CAA permit requirements.

The Office of Solid Waste and Emergency Response and the Office of Enforcement and Compliance Assurance jointly issue this guidance.

Dated: April 4, 2002.

**Marianne Lamont Horinko,**

*Assistant Administrator for Solid Waste and Emergency Response.*

Dated: April 11, 2002.

**Sylvia K. Lowrance,**

*Acting Assistant Administrator for Enforcement and Compliance Assurance.*

#### Appendix A—Guidance on the CERCLA Section 101(10)(H) Federally Permitted Release Definition for Clean Air Act "Grandfathered" Sources

Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") and section 304 of the Emergency Planning and Community Right-to-Know Act ("EPCRA") require that facilities notify federal, state and local authorities of releases of hazardous substances, if the amount of the release reaches a designated reportable quantity. Federally permitted releases, as defined in CERCLA section 101(10), are exempt from the CERCLA and EPCRA release reporting requirements. Federally permitted releases are certain releases that are permitted or controlled under several environmental statutes. CERCLA section 101(10)(H) identifies releases that are exempt from reporting because they are subject to permits and regulations under the Clean Air Act ("CAA"). This guidance document addresses

the federally permitted release exemption as applied to releases from grandfathered sources under the CAA.

CERCLA section 101(10)(H) defines federally permitted releases under the CAA as: Any emission into the air subject to a permit or control regulation under section 111, section 112, title I part C, title I part D, or State implementation plans submitted in accordance with section 110 of the Clean Air Act (and not disapproved by the Administrator of the Environmental Protection Agency), including any schedule or waiver granted, promulgated, or approved under these sections.

42 U.S.C. 9601(10)(H)(internal citations omitted). The Senate committee report explained the CERCLA definition of federally permitted release for air emissions:

In the Clean Air Act, unlike some other Federal regulatory statutes, the control of hazardous air pollutant emissions can be achieved through a variety of means: express emissions limitations (such as control on the pounds of pollutant that may be discharged from a source during a given time); technology requirements (such as floating roof tanks on hydrocarbons in a certain vapor pressure range); operational requirements (such as start up or shut down procedures to control emissions during such operations); work practices (such as the application of water to suppress certain particulates); or other control practices. Whether control of hazardous substance emissions is achieved directly or indirectly, the means must be specifically designed to limit or eliminate emissions of a designated hazardous pollutant or a criteria pollutant.

Senate Rep. 848, 96th Cong., 2d Sess. 49 (1980).

Generally, releases from grandfathered sources do not meet the definition of federally permitted releases, because Congress exempted those sources, rather than imposing permits or control regulations on them. Congress, in enacting several of the CAA programs, did not require existing pollution sources (unless modified) to install pollution controls. For example, certain requirements of the New Source Performance Standards Program apply specifically to new sources. See 42 U.S.C. 7411(b). Exempted existing sources are known as "grandfathered" sources under Title I of the CAA. Congress structured the CAA to force pollution control technology in a cost-effective manner. Thus, the decision not to require those sources was primarily based on economic considerations, *i.e.*, when pollution control technology could be efficiently and cost-effectively engineered into plants. See, for example, H.R. Rep. No. 95-294, at 185. For this reason, a facility's status as a grandfathered source does not necessarily mean that emissions from this facility do not pose a public health hazard.

To the extent that the releases from grandfathered sources are not subject to permits or control regulations, they generally will not meet the CERCLA section 101(10)(H) definition of federally permitted release based on the status of the facility as grandfathered. However, a source that is exempt from a CAA requirement because of its grandfathered status may be subject to

other applicable CAA permits or regulations. If there are federally enforceable permits or control regulations issued under the CAA provisions cited in CERCLA 101(10)(H) that apply to releases of hazardous substances from a grandfathered source, despite the grandfathered source exemption, those releases may qualify as federally permitted releases under CERCLA section 101(10)(H).

[FR Doc. 02-9914 Filed 4-22-02; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7173-5]

### Notice of Proposed Prospective Purchaser Agreement Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as Amended by the Superfund Amendments and Reauthorization Act, Leeds Silver Reclamation Superfund Site

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

**ACTION:** Notice; request for public comment.

**SUMMARY:** Notification is hereby given that a Proposed Prospective Purchaser Agreement (PPA) associated with the Leeds Silver Reclamation Superfund Site located in Leeds, Utah was executed by the United States Department of Justice on March 5, 2002. This Agreement is subject to final approval after the comment period. The Prospective Purchaser Agreement would resolve certain potential EPA claims under sections 106 and 107 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (CERCLA), against Great Western Star, L.L.C. and Stacey L. Eaton, the prospective purchasers (the purchasers).

The settlement would require the purchasers to pay the U.S. Environmental Protection Agency \$60,000. The purchasers intend to use the property as part of a plan to create a residential subdivision in the Silver Reef area, which is in close proximity to Leeds. The purchasers will use the Site property as open space within the development.

The purchasers have agreed to provide EPA with an irrevocable right of access to the Site, to conduct all business in compliance with all applicable local, State, and federal laws and regulations, and to exercise due care at the Site. The purchasers will record a certified copy of the PPA with

the local Recorder's Office, and thereafter, each deed, title, or other instrument conveying an interest in the property shall contain a notice to successors-in-title not to disturb the implemented Site response.

For thirty (30) days following the date of publication of this document, the Agency will receive written comments relating to the proposed settlement. The Agency's response to any comments received will be available for public inspection at the Superfund Records Center at the U.S. Environmental Protection Agency, Region VIII, 999 18th Street, Denver, Colorado, 80202.

**Availability:** The proposed settlement is available for public inspection at the U.S. Environmental Protection Agency, Region VIII, 999 18th Street, Denver, Colorado, 80202. A copy of the proposed Agreement may be obtained from Mia Wood, Enforcement Attorney, U.S. Environmental Protection Agency, Region VIII, 999 18th Street, Denver, Colorado, 80202. Comments should reference the "Leeds Silver Reclamation Superfund Site Prospective Purchaser Agreement" and should be forwarded to Maureen O'Reilly, Enforcement Specialist, at the U.S. Environmental Protection Agency, Region VIII, 999 18th Street, Denver, Colorado, 80202.

**FOR FURTHER INFORMATION CONTACT:** Mia Wood, Enforcement Attorney, U.S. Environmental Protection Agency, Region VIII, 999 18th Street, Denver, Colorado, 80202.

It is so Agreed:

**Jack W. McGraw,**

*Acting Regional Administrator, U.S. Environmental Protection Agency, Region VIII.*

[FR Doc. 02-9915 Filed 4-22-02; 8:45 am]

BILLING CODE 6560-50-M

## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority, Comments Requested

April 16, 2002.

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it

displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; and ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

**DATES:** Persons wishing to comment on this information collection should submit comments June 24, 2002. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all comments to Judy Boley Herman, Federal Communications Commission, 445 12th Street, SW., Room 1-C804, Washington, DC 20554 or via the internet to [jboley@fcc.gov](mailto:jboley@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collections contact Judy Boley Herman at 202-418-0214 or via the internet at [jboley@fcc.gov](mailto:jboley@fcc.gov).

**SUPPLEMENTARY INFORMATION:**

*OMB Control No.:* 3060-0882.

*Title:* Section 95.833, Construction Requirements.

*Form No.:* N/A.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Individuals or households, business or other for-profit.

*Number of Respondents:* 1,468.

*Estimated Time Per Response:* 1 hour.

*Total Annual Burden:* 1,468 hours.

*Annual Reporting and Recordkeeping Cost Burden:* \$0.

*Frequency of Response:* Ten year reporting requirement.

*Needs and Uses:* This rule section is necessary for 218-219 MHz service system licensees to file a report after ten years of license grant to demonstrate that they provide substantial service to its service areas. The information is used by the Commission staff to assess compliance with 218-219 MHz service construction requirements, and to provide adequate spectrum for the service. This will facilitate spectrum efficiency and competition by the 218-219 MHz licensees in the wireless