

in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: November 18, 2005.

**Angela C. Arrington,**

*Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer.*

### Office of Elementary and Secondary Education

*Type of Review:* Revision.

*Title:* Consolidated State Application/ Consolidated State Annual Report.

*Frequency:* Annually.

*Affected Public:* State, Local, or Tribal Gov't, SEAs or LEAs.

*Reporting and Recordkeeping Hour Burden:*

*Responses:* 52.

*Burden Hours:* 7,800.

*Abstract:* This information collection package describes the proposed criteria and procedures that govern the consolidated State application under which State educational agencies will apply to obtain funds for implementing Elementary and Secondary Education Act (ESEA) programs. The option of submitting a consolidated application for obtaining federal formula program grant funds is provided for in the reauthorized ESEA (No Child Left Behind—NCLB) Sections 9301–9306. This information collection package will guide the States in identifying the information and data required in the application.

Requests for copies of the proposed information collection request may be accessed from <http://edicsweb.ed.gov>, by selecting the “Browse Pending Collections” link and by clicking on link number 2886. When you access the information collection, click on “Download Attachments” to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to the Internet address [OCIO\\_RIMG@ed.gov](mailto:OCIO_RIMG@ed.gov) or faxed to 202–245–6621. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Kathy Axt at her e-mail [Kathy.Axt@ed.gov](mailto:Kathy.Axt@ed.gov). Individuals who use a telecommunications device

for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

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## DEPARTMENT OF ENERGY

### Office of Energy Efficiency and Renewable Energy

#### Request for Member Nominations; Hydrogen Technical and Fuel Cell Advisory Committee

**AGENCY:** Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy.

**ACTION:** Notice of request for member nominations for the Hydrogen Technical and Fuel Cell Advisory Committee.

**SUMMARY:** The Hydrogen Technical and Fuel Cell Advisory Committee (HTAC or Committee) was established by section 807 of Title VIII, Hydrogen (“Spark M. Matsunaga Act of 2005”), of the 2005 Energy Policy Act (Pub. L. 109–58). In order to ensure a wide range of candidates for HTAC and a balanced committee, DOE is using this public announcement as an avenue to solicit nominations for this Committee.

**DATES:** Nominations should be submitted by January 23, 2006.

**ADDRESSES:** Nominations should be submitted in electronic format. Nominations should be sent via e-mail to [htac.nominees@ee.doe.gov](mailto:htac.nominees@ee.doe.gov). Any requests for further information should also be sent via e-mail to [htac.nominees@ee.doe.gov](mailto:htac.nominees@ee.doe.gov).

#### SUPPLEMENTARY INFORMATION:

The Committee will provide advice and recommendations to the Secretary of Energy (Secretary) on the program authorized by the Spark M. Matsunaga Hydrogen Act of 2005 (“the Act”). This Committee supersedes the Hydrogen Technical Advisory Panel established by the Spark M. Matsunaga Hydrogen Research, Development, Demonstration Program Act of 1990, Public Law 101–566, and reauthorized by the Hydrogen Future Act of 1996, Public Law 104–271.

The Committee’s scope is to review and make recommendations to the Secretary on (1) The implementation of programs and activities under the Act (42 U.S.C. 16151 et seq.), (2) the safety, economical, and environmental consequences of technologies for the production, distribution, delivery, storage, or use of hydrogen energy and fuel cells and (3) the plan under section 804 of the Act. The Secretary shall

consider, but need not adopt, any recommendations of HTAC.

DOE is hereby soliciting nominations for members of the Committee. The Committee is expected to be continuing in nature. The Secretary of Energy will appoint 12 to 25 Committee members. Members will be selected with a view toward achieving a balanced committee of representatives of domestic industry, academia, professional societies, government agencies, Federal laboratories, previous advisory panels, and financial, environmental and other appropriate organizations based on the needs of the Committee and DOE. Committee members will serve for a term of three years or less and may be reappointed. Appointments may be made in a manner that allows the terms of the members serving at any time to expire at spaced intervals, so as to ensure continuity in the functioning of the Committee. The Committee members will elect a chairperson from among their number. The Committee is expected to meet twice per year. Subcommittees to address specific agenda items are anticipated and may meet more frequently. Some Committee members may be appointed as special Government employees (SGEs) and will be subject to certain ethical restrictions as a result. Such members will also be required to submit certain information in connection with the appointment process.

#### Process and Deadline for Submitting Nominations

Qualified individuals can self-nominate or be nominated by any individual or organization. Nominators should submit (via e-mail to [htac.nominees@ee.doe.gov](mailto:htac.nominees@ee.doe.gov)) a description of the nominee’s qualifications, including matters that would enable the Department to make an informed decision, such as but not limited to the nominee’s education and professional experience. Should more information be needed, DOE staff will contact the nominee, obtain information from the nominee’s past affiliations, or obtain information from publicly available sources, such as the internet.

A selection team will review the nomination packages. This team will be comprised of representatives from several DOE Offices, as well as at least one representative from the Department of Transportation. DOE is seeking a balance of appropriate stakeholder viewpoints to address the broad statutory mandate. (Note that the Committee will address implementation of the Hydrogen Program activities covered in the Act; the Committee will not address whether there should be a

Hydrogen Program.) The selection team will consider many criteria, including and not limited to: (a) Scientific or technical expertise, knowledge, and experience; (b) stakeholder representation as described in the Act; (c) availability and willingness to serve; and (d) skills working in committees, subcommittees and advisory panels. Structured interviews with some candidates may also occur.

The selection team will make recommendations regarding membership to the Assistant Secretary for Energy Efficiency and Renewable Energy (EERE). The Assistant Secretary for EERE will submit a list of recommended candidates to the Secretary for review and selection of Committee members.

Candidates selected by the Secretary of Energy to serve as SGEs will be required to fill out the Confidential Financial Disclosure Form for Special Government Employees Serving on Federal Advisory Committees at the U.S. Department of Energy and other forms incidental to Federal appointment. The confidential financial disclosure form allows government officials to determine whether there is a conflict between the special Government employee's public responsibilities and private interests and activities, or the appearance of a lack of impartiality, as defined by statute and regulation. The form may be viewed from the following URL address: [http://www.hydrogen.energy.gov/advisory\\_panels.html](http://www.hydrogen.energy.gov/advisory_panels.html).

Issued in Washington, DC, on November 17, 2005.

**Douglas L. Faulkner,**

*Acting Assistant Secretary, Energy Efficiency and Renewable Energy.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. PL06-2-000]

#### Coordinated Processing of NGA Section 3 and 7 Proceedings; Order Delegating Authority

Issued November 17, 2005.

Before Commissioners: Joseph T. Kelliher, Chairman; Nora Mead Brownell, and Suedeen G. Kelly.

1. Section 313 of the Energy Policy Act of 2005 (EPA 2005)<sup>1</sup> amends section 15 of the Natural Gas Act

(NGA)<sup>2</sup> to provide the Commission with additional authority to ensure the expeditious processing of natural gas project proposals. The Commission anticipates initiating a rulemaking proceeding in the near future to promulgate regulations in response to the EPA 2005 amendments. In the interim, this order delegates to staff the authority to execute certain of the responsibilities vested with the Commission by EPA 2005 section 313.

#### Introduction

2. EPA 2005 section 313(c)(1) directs the Commission to establish a schedule for all federal permits, authorizations, certificates, opinions, or other approvals required for an NGA section 3 or 7 proposal.<sup>3</sup> Section 313(b)(2) then declares that “[e]ach Federal and State agency considering an aspect of an application for Federal authorization shall cooperate with the Commission and comply with the deadlines established by the Commission.” In addition, section 313(b)(1) designates the Commission “as the lead agency for the purposes of coordinating all applicable Federal authorizations and for the purposes of complying with the National Environmental Policy Act of 1969” (NEPA).<sup>4</sup>

3. Pending issuance of regulations implementing these provisions of EPA 2005, the Commission is delegating to the Director of the Office of Energy Projects (OEP) the authority to establish deadlines for all federal authorizations necessary for NGA section 3 and 7 proposals.

#### Background

4. Under NGA sections 3 and 7, the Commission grants or denies applications for proposed natural gas projects. The construction or operation of natural gas projects typically require additional permits, authorizations, certificates, opinions, and approvals issued by other federal agencies and by state agencies acting pursuant to delegated federal authority. Approval by the Commission to proceed with a proposal is contingent on favorable findings by these other agencies. EPA 2005 section 313(c)(1) directs the Commission to establish a schedule for all federal authorizations required with respect to an application under NGA section 3 or 7.

<sup>2</sup> 15 U.S.C. 717n (2000).

<sup>3</sup> NGA section 3 applies to projects designed to import or export natural gas; NGA section 7 applies to projects designed to transport or sell natural gas in interstate commerce.

<sup>4</sup> 42 U.S.C. 4321, *et seq.* (2000).

5. In this role, EPA 2005 section 313(c)(1)(A) compels the Commission to “ensure expeditious completion” of NGA section 3 and 7 proceedings, while section 313(c)(1)(B) directs the Commission to “comply with applicable schedules established by Federal law.” Thus, the Commission is responsible for (1) coordinating the actions of those federal and state agencies with authority to issue federal authorizations for an NGA section 3 or 7 proposal, and (2) setting deadlines for decisions on federal authorizations which will “comply with applicable schedules established by Federal law.”

6. Commission authorizations under NGA sections 3 and 7 normally trigger NEPA. NEPA aspires to “utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment.”<sup>5</sup> EPA 2005 section 313(b) clarifies the Commission's role in this collective, multi-agency effort, by designating the Commission as lead agency for the purpose of NEPA compliance for NGA section 3 and 7 proposals.

#### Commission Response to EPA 2005 Amendments to NGA Section 15

7. As noted, the Commission anticipates initiating a rulemaking to implement the EPA 2005 section 313 amendments to NGA section 15. However, the Commission believes that the processing of section 3 and 7 project proposals filed prior to the effective date of a final rule, including proposals filed prior to the enactment of EPA 2005, may benefit by the immediate application of the additional authority conferred by EPA 2005. Therefore, by this order, the Commission delegates the authority described below to the Director of OEP.

8. The Director of OEP is granted the authority to coordinate with federal and state agencies for the purpose of scheduling the completion of the analyses and decisionmaking necessary for federal authorization of section 3 and 7 proposals. Deadlines shall be no shorter than any applicable schedules established by federal law. For example, under section 401 of the Clean Water Act (CWA),<sup>6</sup> an applicant for federal authorization for any activity that may result in a discharge to navigable waters must obtain certification from the state in which the discharge originates that the discharge will comply with the CWA. The CWA provides the state up

<sup>5</sup> 42 U.S.C. 4332(2)(A) (2000).

<sup>6</sup> 33 U.S.C. 1341 (2000).

<sup>1</sup> Pub. L. No. 109-58, 119 Stat. 594 (2005).