

Section 401(a)(1) of the Clean Water Act.

The following is a list of the future CCP Team meetings that are presently scheduled for the preparation of Draft Scoping Document 1.

August 14–15, 1996

1. The CCP Team will meet to discuss Ecological Resource issues from the consolidated list of the 45 resource issues identified for inclusion in Scoping Document 1. The meetings will be held at General Motors facilities in Massena, New York.

September 9, 10, & 11, 1996

2. The CCP Team will meet to discuss the Recreational and Land Use Issues from the consolidated list of the 45 resource issues identified for inclusion in the scoping document. The meetings will be held at Akwesasne, New York.

October 23–24, 1996

3. The CCP Team will meet to finalize the Draft Scoping Document 1. The meeting will be held at Power Authority of the State of New York's Robert Moses Powerhouse in Massena, New York.

November 19–20, 1996

4. CCP meeting held at Power Authority of the State of New York's Robert Moses Powerhouse in Massena, New York.

December 17–18, 1996

5. CCP meeting held at Power Authority of the State of New York's Robert Moses Powerhouse in Massena, New York.

If you would like to participate in the meeting or need general information on the CCP Team and process, as well as the relicensing process contact any one of the following three individuals:

Mr. Thomas R. Tatham, New York Power Authority, 212-468-6747, 212-468-6272 (fax), EMAIL: Ytathat@IP3GATE.USA.COM

Mr. Keith Silliman, New York Dept. of Environmental Conservation, 518-457-0986, 518-457-3978 (fax), EMAIL: Silliman@ALBANY.NET.

Mr. Thomas Russo, Federal Energy Regulatory Commission, 202-219-2791, 202-219-0125 (fax), EMAIL: Thomas.Russo@FERC.FED.US

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96-20096 Filed 8-6-96; 8:45 am]

BILLING CODE 6717-01-M

Western Area Power Administration

Final Power Allocation Procedures of the Post-2000 Resource Pool—Pick-Sloan Missouri Basin Program, Eastern Division

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of final procedures.

SUMMARY: Western Area Power Administration (Western), a Federal power marketing agency of the Department of Energy, hereby announces its Post 2000 Resource Pool Allocation Procedures to fulfill the requirements of Subpart C—Power Marketing Initiative of the Energy Planning and Management Program Final Rule, 10 CFR 905, published at 60 FR 54151. The Post 2000 Resource Pool Allocation Procedures are Western's implementation of Subpart C—Power Marketing Initiative of the Energy Planning and Management Program Final Rule. Western's proposed procedures were published in the Federal Register at 61 FR 2817, January 29, 1996 and revised and clarified in the Federal Register at 61 FR 28574, June 5, 1996. Responses to public comments received pertaining to the proposed procedures are included in this notice.

DATES: The Post 2000 Resource Pool Allocation Procedures will become effective 30 days from the date of publication of this notice, and will remain in effect until December 31, 2020.

ADDRESSES: Information regarding the Post 2000 Resource Pool Allocation Procedures, including comments, letters, and other supporting documents made or kept by Western for the purpose of developing the final procedures, are available for public inspection and copying at the Upper Great Plains Customer Service Region, Western Area Power Administration, located at 2900 4th Avenue North, P.O. Box 35800, Billings, MT 59107-5800.

SUPPLEMENTARY INFORMATION: Western published a notice of proposed procedures on January 29, 1996, to implement Subpart C—Power Marketing Initiative of the Energy Planning and Management Program Final Rule, 10 CFR 905, published at 60 FR 54151 in the Federal Register. The Energy Planning and Management Program (Program), which was developed in part to implement section 114 of the Energy Policy Act of 1992, became effective on November 20, 1995. Subpart C of the Program provides for the establishment of project-specific resource pools and the allocation of power from these pools to new preference customers. Those

proposed procedures, in conjunction with the Eastern Division, Pick-Sloan Missouri Basin Program Final Post-1985 Marketing Plan (Post-1985 Marketing Plan) (45 FR 71860) will establish the framework for allocating power from the resource pool to be established for the Pick-Sloan Missouri Basin Program—Eastern Division (P-SMBP-ED).

Western held public information and comment forums on the proposed procedures on February 14, 15, and 16, 1996, to accept oral and written comments on the proposed procedures and call for applications. The initial formal comment period ended March 4, 1996. On March 8, 1996, Western published a notice to extend the time that written comments and applicant profile data could be submitted until April 8, 1996. On June 5, 1996, in the Federal Register at 61 FR 28574, Western published a 30-day notice to respond to comments regarding Section III, General Allocation Criteria, Paragraph E, to clarify the Post 2000 Resource Pool Allocation Procedures in order to fulfill the intent of the Program and called for additional applications.

The Post 2000 Resource Pool Allocation Procedures set forth in this Federal Register notice will explain in detail how Western intends to implement Subpart C of the Power Marketing Initiative of the Energy Planning and Management Program Final Rule in the P-SMBP-ED.

Response to Customer Comments Regarding Post 2000 Resource Pool Allocation Procedures

I. Amount of Pool Resources

Western proposed to allocate 4 percent of the P-SMBP-ED long-term firm hydroelectric resource available as of January 1, 2001, as firm power as provided for by the Program.

Comment: We received several comments from Native American tribes expressing great disappointment in the size (4 percent) of the resource pool. It is their belief that the pool is not large enough to serve 100 percent of their current and future electrical needs. One comment suggested that the amount of power available in the resource pool will not be sufficient to meet Native American demand on January 1, 2001.

Response: The 4 percent resource pool was derived from the Program, and therefore the size of the pool is outside this process. Two future 1 percent resource pools were also identified as part of the Program and allocations from these future resource pools will be dealt with in future public processes.

II. General Eligibility Criteria

Western proposes to apply general eligibility criteria to applicants seeking an allocation of firm power under the proposed Post-2000 Resource Pool Allocation Procedures.

Comment: Western received several comments suggesting that if a Native American tribe establishes a utility and applies for an allocation from Western, they should be considered under utility applicant status, not as a Native American tribe applicant.

Response: If a Native American tribe makes application under this process as a utility applicant, Western would consider the application under utility applicant criteria.

Comment: Western received comments regarding the date for setting up utility status. One comment suggested that section II.E. should be written as follows: "qualified utility and Native American applicants must have achieved operating utility status by December 31, 1995." Other comments suggested the deadline for achieving utility status be extended to June 1, 1997 or possibly later.

Response: The date for achieving utility status was determined by the Program. To be eligible to apply for power available from the resource pool, those entities that desire to purchase Western power for resale to consumers, must have attained utility status by December 31, 1996. Section 905.35, Paragraph (c) of Subpart C, Power Marketing Initiative, of 60 FR 54151 states that: All potential new customers, except Native American tribes, must be ready, willing, and able to receive and distribute or use power from Western. Ready, willing, and able means that (1) the potential customer has the facilities needed for the receipt of power or has made the necessary arrangements for transmission and/or distribution service, (2) the potential customer's power supply contract with third parties permit the delivery of Western's power, and (3) metering, scheduling, and billing arrangements are in place.

Comment: Several comments expressed support for the use of the Indian Self-Determination Act (Act) to determine eligibility of Native American tribe applicants.

Response: The allocation procedures use the Act to determine whether or not an applicant is a qualified Native American applicant. Use of the Act to make these decisions was first used in the Program final rule. Because these allocation procedures will be used in allocating the resource pool created by those regulations, Western used the same definition in this process.

III. General Allocation Criteria

Western proposes to apply general allocation criteria to applicants seeking an allocation of firm power under the proposed Post 2000 Resource Pool Allocation Procedures.

Comment: One comment suggested that the 5,000 kW limitation on new allocations should apply to all applicants, one comment suggested that the limitation should not apply to Native American tribes and another comment suggested the maximum amount be increased to 6,000 kW.

Response: The Post 1985 Marketing Criteria established the 5,000 kW limitation referenced in the allocation criteria. This limitation does not apply to Native American tribe applicants. The 5,000 kW limit was placed in the Post 1985 Marketing Plan to ensure that the sale of P-SMBP-ED power would benefit a wide class of users which is consistent with Federal Reclamation Law.

Comment: A comment was made that Native American tribes should have priority status in any allocations that are being made.

Response: The preference clause only provides that public entities be given preference over private entities in the marketing of power from Federal reclamation projects. There are no preference entities which have greater privileges than another. Western has always considered Native American tribes to be preference customers, and in response to comments received during the Program public process, Western has changed its policy of requiring that Native American tribes achieve utility status prior to receiving an allocation.

Comment: Western received many comments on how Native American loads should be determined. Many stated that Western should develop a standard method for determining Native American loads and apply that method to all Native American tribe applicants. Others advocated using actual tribal loads on the reservation.

Response: A variety of methods of load estimation were submitted by Native American tribes. Western accepted load estimates developed by the Native American tribes. Inconsistent estimates will be adjusted by Western. The proposed allocations developed from these load estimates will be published in a subsequent Federal Register notice.

Comment: Western received comments on the issue of off-reservation use of Native American tribe allocations. The majority of the comments supported use of allocations by qualified Native American tribe

applicants on the reservation only. Others supported off-reservation use under certain circumstances. In particular, several comments advocated off-reservation use for the Turtle Mountain Tribe.

Response: Off-reservation use of Native American tribe allocations under certain circumstances as determined by Western was allowed for in 60 FR 54151. The circumstances under which off-reservation use of a Native American tribe allocation will be allowed will be determined by Western on a case-by-case basis after final allocations are made.

Comment: Western received comments that Native American tribes are already receiving benefits of Federal hydropower through the cooperatives that serve them and these benefits need to be considered when Western makes allocations to Native American tribes so they do not receive more than 100 percent of their current electrical requirements.

Response: Western understands that some Native American tribes are already receiving the benefits of Federal hydropower through the cooperatives that serve them. However, the methodology for determining Native American tribal allocations will be set forth in a subsequent future Federal Register notice. Therefore, this comment will be addressed in that notice.

Comment: Western received many comments on the proposal to adjust utility and nonutility applicants' loads using Mid-Continent Area Power Pool data trends. Some comments stated that actual 1979-80 data should be used. Others stated that unadjusted 1994-95 data should be used. One comment suggested basing allocations on load data from November 1994 through October 1995.

Response: As revised and clarified in the Federal Register at 61 FR 28574, June 5, 1996, Western will use actual unadjusted load data from May 1994 through April 1995 to determine utility applicants' allocations. Western agrees with the numerous comments that using Mid-Continent Area Power Pool data trends to adjust utility applicants' loads would unfairly penalize those applicants who had little or no load growth between 1979 and 1995.

Comment: Western received a comment to consider a reallocation based on a percentage to all customers should there be over 5 MW of firm power not under contract subsequent to the closing date for executing firm power contracts.

Response: As stated in the Final Post 2000 Resource Pool Allocation

Procedures section III.H below, Western, at its discretion, reserves the right to determine usage of firm power not under contract.

Comment: Western received comments that support Western's proposal to dissolve the resource pool as long as it is not rate impacting.

Response: Western is in agreement with this comment and will consider the best available options should this power not allocated in these procedures be available.

Comment: Western received comment that the entire 4 percent resource pool should be allocated to qualified applicants.

Response: Western plans to make allocations from the 4 percent resource pool to qualified utility and nonutility applicants based upon Post-1985 Marketing Plan Criteria and to Native American tribe applicants based upon serving a fair share of their load. Based upon these criteria, the total allocations from the resource pool may be less than the resource pool.

Comment: It was suggested that a Native American tribe would have to demonstrate the existence of an agreement with a viable utility system for delivery of the allocation to the end user.

Response: Western has determined that placing an additional requirement on Native American tribes would be unduly burdensome and is not consistent with the intent of the Program at 60 FR 54151. If an agreement with a utility responsible for delivery is not attainable, Western has reserved the right to provide the economic benefits of its resources directly to Native American tribes.

Comment: Where is the funding going to come from for making credits to tribal members?

Response: Should this program require funding, Western will use net bill or bill credit methods. If these methods are not sufficient, additional appropriations from Congress may have to be made to provide economic benefit.

Comment: The formula for calculating the amount of credit must recognize the specific situation of the local utility, because their costs vary significantly from Western customer to Western customer.

Response: Western is in agreement with the comment. Should any crediting formula be required, Western will recognize the specific local utility situation as needed.

Comment: Western's customers have already given up a portion of their allocations; they cannot also be asked to fund additional payment to tribal members. It appears they may have

increased rates on the remainder of their allocation.

Response: Western has no intent to increase P-SMBP-ED rates.

Comment: Western received comment that the suggested method of delivering the benefits of Federal hydropower to the Native American tribes would be a bill crediting arrangement.

Response: Western agrees that a bill crediting arrangement is a viable method of delivering the benefits of Federal hydropower to Native American tribes. However, flexibility must be retained in the delivery of such benefits in order to fit a diverse group of Native American tribes and power suppliers. The method for delivering the benefits of Federal hydropower to the tribes will be determined following the allocation process.

Comment: Western received comment that if Federal hydropower benefits are delivered to Native American tribes in the form of monetary payments, those payments should be contractually obligated to go toward energy use.

Response: Western views direct monetary payments in lieu of delivery of Western power and energy as a last resort to be used only if unanticipated obstacles to the delivery of Federal hydropower benefits arise. Should this situation arise, Western will consider contractual stipulations on how those monetary payments are to be used by Native American tribes. Such stipulations are beyond the scope of this public process.

Comment: Western received comment that if tribal members' bills are credited, the portion of the resource pool associated with these credits should be retained by all existing customers at cost-based rates.

Response: Western will not increase existing customers' allocations for the amount associated with any tribal energy credits. Energy crediting may not always be the means by which some Native American tribes receive the benefits of Federal hydropower. In the event that at a later time a Native American tribe changes the method by which they receive the benefits of Federal hydropower, Western will not allocate the energy associated with bill credits to existing customers.

IV. General Contract Principles

Western proposes to apply general contract principles to all applicants receiving an allocation of firm power under the proposed Post 2000 Resource Pool Allocation Procedures.

Comment: A comment was offered which suggested that contracts with utility applicants should explicitly require cooperation on the part of those

utilities in the transmission of firm power to the Native American tribes as a condition of that sale.

Response: To date, Western has received cooperation from P-SMBP-ED cooperatives on the issue of delivery of hydropower benefits to Native American tribes. Even if unanticipated obstacles to the delivery of these benefits arise, Western has retained the right to provide the economic benefits of its resource directly to Native Americans. Because of the options available, Western sees no reason to address this issue contractually. Western has already executed the contract extensions for the P-SMBP-ED resource which will exist after the 4 percent resource pool is created. In addition, there may be utilities which Western does not contract with for a firm power allocation which would be responsible for transmission of Native American tribe allocation.

Comment: Receipt of a Federal power allocation by a Native American tribe must allow the current power supplier the ability to negotiate delivery charges which prevent the negative financial effect of creating the need to raise rates.

Response: Delivery arrangements are the responsibility of the new customers.

Comment: The proposed rule should include assisting the Native American tribes in obtaining a suitable third-party distribution system retail wheeling agreement.

Response: The P-SMBP-ED cooperatives have been supportive of the delivery of the benefits of power allocations to Native American tribes. Western shall assist the allottee in obtaining third-party transmission arrangements for delivery of firm power allocated under these proposed procedures to new customers; nonetheless, each allottee is ultimately responsible for obtaining its own delivery arrangements.

Comment: A comment suggested that it would be appropriate to include the utility ultimately responsible for delivery of the allocation to Native American tribes in the contract process, and that Western should be an advocate in favor of the tribes in that process.

Response: Western will assist the allottee in obtaining third-party transmission arrangements for delivery of firm power. To the extent that utilities are involved in these arrangements, Western will work with those entities. However, it is the ultimate responsibility of the allottee to obtain its own delivery arrangements.

Comment: All new customers, utility, nonutility, and Native American tribes alike, should have the same contractual provisions in their contracts as

Western's present customers. Specifically, all contracts should continue to have the provision preventing the sale of Federal power to customers other than retail customers.

Response: Western is in agreement with this comment. The contract with all new customers will contain Western's existing general contract principles.

Comment: If Western experiences additional costs under the proposed pool allocation, all program participants should participate in these costs, not just the existing Western utilities.

Response: Our interpretation of this comment was that all firm power customers of Western, inclusive of the new customers brought in with the allocation of the 4 percent resource pool, will all be impacted if there are additional costs to Western under the proposed pool allocations. Western agrees that all firm power customers, inclusive of the new customers, would be impacted through their rates if there is a cost change due to the allocation of the 4 percent resource pool.

Comment: We received several comments requesting that Native American tribes not be required to comply with the Integrated Resource Planning (IRP) requirements of the Program, unless the Native American tribe applies as a utility.

Response: Title II of the 1992 Energy Policy Act requires all Western customers to comply with the IRP criteria. This requirement was also brought forward and restated in the Program language. Therefore, IRP requirements are required of all customers including Native American tribes.

Responses to Comments Regarding Other Issues

Comment: We received a comment from a cooperative expressing their disappointment at the establishment of the 4 percent resource pool because it means a rate impact for members.

Response: Western understands the concern for customers who may be adversely impacted with the reduction of their Federal power allocations. However, this reduction was provided for in the Program and is beyond the scope of this public process.

Comment: We received a comment from a cooperative expressing disappointment that Native American tribes will be allocated power from the 4 percent resource pool, because it comes as an expense to Western customers in the region.

Response: Western understands the concern of customers who may be adversely impacted with the reduction

of their Federal power allocations. However, this reduction was provided for in the Program and is beyond the scope of this public process.

Comment: We received a comment requesting Western's Upper Great Plains Customer Service Region to establish a "Native American Desk" (Desk) to handle Native American issues.

Response: We are a diverse agency with many different functions. It is our belief that issues with Native Americans are handled effectively and efficiently by dealing directly with the divisions involved in each issue. The establishment of a Desk is not part of this public process and will be considered if it would result in increased responsiveness to Western's Native American customers.

Comment: Federal facilities, such as the Bureau of Indian Affairs or other Federal agencies, should not be eligible to receive any new resources.

Response: Federal facilities are eligible for allocations of Federal power as the preference clause has been defined through Federal Reclamation Law.

Comment: One comment suggested that any allocation to a Native American tribe should be made jointly to both the tribe and the utility that will transfer the resource.

Response: The intent of the Program at 60 FR 54151 was to provide the benefits of Federal hydropower allocations directly to individual tribes. This principal is consistent with how Western treats existing customers. Western does not feel that the goal of the Program would be served by jointly allocating Native American allocations to utilities and tribes.

Comment: Several comments were received expressing a concern that the allocation procedures would somehow imply or require tribal jurisdiction over the entity which will supply the Native American load.

Response: The issue of tribal jurisdiction is beyond the scope of this public process. Western is not the proper authority to decide that issue, as it is outside of our mission. However, Western has not intended to expand the scope of tribal jurisdiction with these allocation procedures.

Comment: One comment expressed appreciation for Western's Federal American Indian policy.

Response: Western appreciates the positive response with respect to the attempts it has made to address Native American issues. Western supports the Department of Energy's American Indian policy which stresses the need for a government-to-government, trust-based relationship.

Comment: Western received several requests for extending the deadline for submittal of the Applicant Profile Data (APD).

Response: 61 FR 9449 published March 8, 1996, extended the deadline for submittal of APD and comments until April 8, 1996. Also, 61 FR 28574 published June 5, 1996, clarifying the terms of Post 2000 Resource Pool Allocation Procedures, reopened the deadline for submittal of APD until July 5, 1996.

Comment: Negotiations should begin as soon as possible.

Response: Western agrees with this comment. Western interprets this comment as to when will Western negotiate contracts with new customers for firm electric service. Western intends to begin negotiating new contracts as soon as possible.

Comment: One comment suggested that Greenfield, Iowa, should be eligible for a minimum allocation of 100 kW.

Response: Only that portion of the Greenfield load within the P-SMBP-ED marketing area is eligible for an allocation as part of this process. All criteria are applicable to that portion of Greenfield's load.

Comment: We received comments about all customers, including Native American tribes, being included in future withdrawals for the creation of resource pools.

Response: This was determined in Subpart C, Power Marketing Initiative, Paragraph 905.32 (d) of 60 FR 54151. The additional resource pool increments shall be established from the then existing customers.

Comment: Western received a comment that allocations from the 4 percent resource pool is not the only responsibility or obligation the Federal government has to Native American tribes.

Response: This comment is beyond the scope of this public process. The 4 percent resource pool was established by the Program. This process is designed to allocate the 4 percent as set forth by the Program.

Comment: Western received a comment that the qualifications for qualified applicants should be changed if necessary, such that the Bureau of Reclamation, as sponsor for the Mni Wiconi Project, meets the definition for qualified applicant.

Response: Western intends to determine the Bureau of Reclamation eligibility based on the Final Post 2000 Resource Pool Allocation Procedures outlined below.

Final Post 2000 Resource Pool Allocation Procedures

I. Amount of Pool Resources

Western will allocate up to 4 percent of the P-SMBP-ED long-term firm hydroelectric resource available as of January 1, 2001, as firm power (firm power) as provided for by the Program. Firm power means capacity and associated energy allocated by Western and subject to the terms and conditions specified in the Western electric service contract.

II. General Eligibility Criteria

Western will apply the following general eligibility criteria to applicants seeking an allocation of firm power under the Post 2000 Resource Pool Allocation Procedures.

A. All qualified applicants must be preference entities in accordance with section 9c of the Reclamation Project Act of 1939, 43 U.S.C. 485h(c), as amended and supplemented.

B. All qualified applicants must be located within the currently established P-SMBP-ED marketing area.

C. All qualified applicants must not be currently receiving benefits, directly or indirectly, from a current P-SMBP-ED firm power allocation. Qualified Native American applicants are not subject to this requirement.

D. Qualified utility and nonutility applicants must be able to use the firm power directly or be able to sell it directly to retail customers.

E. Qualified utility applicants that desire to purchase power from Western for resale to consumers, including municipalities, cooperatives, public utility districts, and public power districts must have utility status by December 31, 1996. Utility status means the entity has responsibility to meet load growth, has a distribution system, and is ready, willing, and able to purchase Federal power from Western on a wholesale basis.

F. Qualified Native American applicants must be a Native American tribe as defined in the Indian Self Determination Act of 1975, 25 U.S.C. § 450b, as amended.

III. General Allocation Criteria

Western will apply the following general allocation criteria to applicants seeking an allocation of firm power under the Post 2000 Resource Pool Allocation Procedures.

A. Allocations of firm power will be made in amounts as determined solely by Western in exercise of its discretion under the Federal Reclamation Law.

B. An allottee will have the right to purchase such firm power only upon

the execution of an electric service contract between Western and the allottee, and satisfaction of all conditions in that contract.

C. Firm power allocated under these procedures will be available only to new preference customers in the existing P-SMBP-ED marketing area. This marketing area includes Montana (east of the Continental Divide), North Dakota, South Dakota, and specific areas in western Iowa, western Minnesota and eastern Nebraska. The marketing area of the P-SMBP-ED is Montana east of the Continental Divide, all of North and South Dakota, Nebraska east of the 101° meridian, Iowa west of the 94½° meridian, and Minnesota west of a line on the 94½° meridian from the southern boundary of the state to the 46° parallel and thence northwesterly to the northern boundary of the state at the 96½° meridian.

D. Allocations made to Native American tribes will be based on estimated load developed by the Native American tribes. Inconsistent estimates will be adjusted by Western during the allocation process.

E. Allocations made to qualified utility and nonutility applicants will be based on the loads experienced in the 1994 summer season and the 1994-95 winter season. Western will apply the Post-1985 Marketing Plan criteria to these loads.

F. Energy provided with firm power will be based upon the customer's monthly system load factor.

G. Any electric service contract offered to a new customer shall be executed by the customer within six months of a contract offer by Western, unless otherwise agreed to in writing by Western.

H. The initial resource pool will be dissolved subsequent to the closing date for executing firm power contracts. Firm power not under contract will be used as determined by Western.

I. The minimum allocation shall be 100 kilowatts (kW).

J. The maximum allocation for qualified utility and nonutility applicants shall be 5,000 kW.

K. Contract rates of delivery shall be subject to adjustment in the future as provided for in the Program.

L. If unanticipated obstacles to the delivery of hydropower benefits to Native American tribes arise, Western retains the right to provide the economic benefits of its resources directly to the tribes.

IV. General Contract Principles

Western will apply the following general contract principles to all applicants receiving an allocation of

firm power under the Post 2000 Resource Pool Allocation Procedures.

A. Western shall reserve the right to reduce a customer's summer season contract rate of delivery by up to 5 percent for new project pumping requirements, by giving a minimum of 5 years written notice in advance of such action.

B. Western, at its discretion and sole determination, shall reserve the right to adjust the contract rate of delivery on 5 years notice in response to changes in hydrology and river operations. Any such adjustments shall only take place after a public process.

C. Western shall assist the allottee in obtaining third-party transmission arrangements for delivery of firm power allocated under these procedures to new customers; nonetheless, each allottee is ultimately responsible for obtaining its own delivery arrangements.

D. Contracts entered into under the Post 2000 Resource Pool Allocation Procedures shall provide for Western to furnish firm electric service effective from January 1, 2001, through December 31, 2020.

E. The contracts entered into as a result of the procedures shall incorporate Western's standard provisions for power sales contracts, integrated resource planning, and the general power contract provisions.

VI. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (Act), requires Federal agencies to perform a regulatory flexibility analysis if a proposed regulation is likely to have a significant economic impact on a substantial number of small entities. Western has determined that this rulemaking relates to services offered by Western, and, therefore, is not a rule within the purview of the Act.

VII. Review Under the Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980, 44 U.S.C. 3501-3520, Western has received approval from the Office of Management and Budget (OMB) for the collection of customer information in this rule, under control number 1910-1200.

VIII. Review Under the National Environmental Policy Act

Western requested input regarding the identification of any additional environmental issues both in the Federal Register at 61 FR 2817, January 29, 1996, and at the public meetings. No environmental comments were received. Therefore, Western has determined that

the analysis in the Program Environmental Impact Statement is sufficient for this action and current DOE regulations indicate that no further National Environmental Policy Act documentation is required.

IX. Determination Under Executive Order 12866

DOE has determined this is not a significant regulatory action because it does not meet the criteria of Executive Order 12866, 58 FR 51735. Western has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by OMB is required.

Issued at Washington, D. C. on July 30, 1996.

Joel K. Bladow,

Assistant Administrator.

[FR Doc. 96-20078 Filed 8-6-96; 8:45 am]

BILLING CODE 6450-01-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5547-6]

Agency Information Collection Activities: Proposed Collection; Comment Request; Construction Grants Delegation to States

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), this notice announces that EPA is planning to submit the following proposed and/or continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): Construction Grants Delegation to States, EPA No. 0909.04; OMB No. 2040-0095; approved for use through 12/31/96. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before October 7, 1996.

ADDRESSES: U.S. Environmental Protection Agency, Office of Wastewater Management (4201), 401 M Street, S.W., Washington, D.C. 20460. A copy of the ICR may be obtained, without charge, from the program official shown below.

FOR FURTHER INFORMATION CONTACT: Arnold Speiser, U.S.E.P.A., Municipal Assistance Branch (4204), 401 M Street, S.W., Washington, D.C. 20460; telephone 202-260-7377; facsimile 202-260-1827; E-Mail Speiser.Arnold@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are States which administer elements of the construction grants program under a delegation agreement with EPA and municipalities which received construction grants from EPA.

Title: Construction Grants Delegation to States; OMB No. 2040-0095; approved for use through 12/31/96.

Abstract: The purpose of this ICR is to revise and extend the current clearance for the collection of information under the Construction Grants Program Delegation to States, 40 CFR Part 35 Subpart J, and Title II of the Clean Water Act (CWA). While the Construction Grants Program is being phased out and replaced by the State Revolving Loan Fund (SRF) program, collection activities for the Construction Grants Program must continue until program completion. The program includes reporting, monitoring and program requirements for municipalities and delegated States.

The information collection activities described in this ICR are authorized under Sections 205(g) and 518(e) of the Clean Water Act as amended, 33 USC 1251 et seq, and under 40 CFR Part 35 Subpart J. The requested information provides the minimum data necessary for the Federal government to maintain appropriate fiscal accountability for use of Section 205(g) construction grant funds. The information is also needed to assure adequate management overview of those State project review activities that are most important to fiscal and project integrity, design performance, Federal budget control, and attainment of national goals.

Managers at the State and Federal levels both rely on the information described in this ICR. State managers rely on the information for their own program and project administration. Federal managers rely on this information to assess, control, and predict the impacts of the construction grants program on the Federal Treasury and future budget requirements. Federal managers also use this information to respond to OMB and Congressional requests and to maintain fiscal accountability.

In addition, builders of wastewater treatment plants use the information discussed in this ICR. The builders of these plants assess and use the information in the Innovative/ Alternative Technology Data Base File to obtain technical information on innovative or alternative wastewater treatment systems.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses.

Burden Statement

Respondents: States and municipalities.

Estimated Number of Respondents: 44.

Frequency of Response: 137 per year.

Responses Per Respondent: 3.1 per year.

Estimated Total Annual Hour Burden: 8,457 hours.

Average Burden Hours Per Response: 58.

Estimated Total Annualized Cost Burden: \$284,747.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.