

Executive Order 12630

The Department has determined that this rate adjustment does not have significant "takings" implications.

Executive Order 12612

The Department has determined that this rate adjustment does not have significant Federalism effects because it pertains solely to Federal-tribal relations and will not interfere with the roles, rights, and responsibilities of states.

NEPA Compliance

The Department has determined that this rate adjustment does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement is required under the National Environmental Policy Act of 1969.

Paperwork Reduction Act of 1995

This rate adjustment does not contain collections of information requiring approval under the Paperwork Reduction Act of 1995.

Unfunded Mandates Act of 1995

This rate adjustment imposes no unfunded mandates on any governmental or private entity and is in compliance with the provisions of the Unfunded Mandates Act of 1995.

Dated: February 28, 2000.

Kevin Gover,

Assistant Secretary—Indian Affairs.

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

San Carlos Irrigation Project—Power Division, Arizona, Power Rate Adjustment

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final Notice of Rate Adjustment.

SUMMARY: The Bureau of Indian Affairs (BIA) is adjusting the electric power rates for customers of San Carlos Irrigation Project, Power Division (SCIP/PD) that are subject to Rate Schedule No. 2-General Rate. The Notice of Proposed Rate Adjustment was published in the **Federal Register** on May 4, 1999, 64 FR 23853. The public and interested parties were provided an opportunity to submit written comments during the 30-day period subsequent to May 4, 1999. No comments were received.

EFFECTIVE DATE: The new rates will become effective on March 7, 2000.

FOR FURTHER INFORMATION CONTACT: Regional Director, Bureau of Indian Affairs, Western Region, P.O. Box 10, Phoenix, Arizona 85001, Telephone (602) 379-6600.

SUPPLEMENTARY INFORMATION: The authority to issue this document is vested in the Secretary of the Interior by 5 U.S.C. 301; the Act of August 7, 1946, c. 802, Section 3 (60 Stat. 895; 25 U.S.C. 385c). The Secretary has delegated this authority to the Assistant Secretary—Indian Affairs pursuant to part 209 Departmental Manual, Chapter 8.1A and Memorandum dated January 25, 1994, from Chief of Staff, Department of the Interior, to Assistant Secretaries, and Heads of Bureaus and Offices. The new rates are specified in the following schedule.

Rate Schedule No. 2—General Rate

1. *When does this schedule apply to me?*

This schedule applies to you if you:

- (a) Receive single and three phase electric service;
- (b) Are not a residential user; and
- (c) Are not a small non-commercial user.

2. *Are there restrictions on my use of power?*

- (a) You must use any power that we supply you only on your property.
- (b) You may not resell any power that we supply to you.

3. *How does BIA bill me if I have more than one meter?*

If you have more than one meter, we will calculate a separate bill for each meter.

4. *What monthly rates will BIA charge?*

(a) The following table shows how we will bill you for the power that you use.

For . . .	We will bill you. . .
(1) Any usage up to 50 kilowatt-hours	\$ 12.00
(2) Each kilowatt-hour between 50 and 350	0.15
(3) Each kilowatt-hour between 351 and 600	0.09
(4) Each kilowatt-hour between 601 and 9,000	0.06
(5) Each kilowatt-hour over 9,000	0.0460

(b) We will add a purchased power adjustment to the rates described in paragraph (a). This adjustment will be the amount (rounded to the nearest \$0.0001) that the project pays to its power suppliers.

(c) In every month where your usage is over 200 times your billing demand,

we will apply a credit to all of your usage over 9,050 kilowatt-hours. The credit will be \$0.007 per kilowatt-hour.

5. *What will my minimum monthly bill be?*

(a) In all cases, your minimum monthly bill will be at least the greater of:

- (1) \$12.00, or
- (2) \$2.14 per kilowatt of billing demand.

(b) If you use power on a recurring seasonal basis, we will calculate the maximum amount of your minimum monthly bill as follows:

- (1) We will multiply by 12 your highest monthly minimum computed bill over the preceding 12 months;
- (2) We will add up all of your bills for the preceding 12 months;
- (3) We will subtract the result of (b)(2) from (b)(1); and
- (4) Your minimum monthly bill will be equal to the result we obtain in (b)(3).

6. *What terms do I need to know?*

(a) "Contract demand" means the number of kilowatts that a customer expects to use. Each contract for 15 kilowatts or more must state the contract demand.

(b) "Actual demand" means one of the following:

(1) The average amount of power used during the 15 consecutive minutes when that average is the greatest for the month, as determined by a suitable meter(s); or

(2) If no suitable meter is available, the connected load or the part of the connected load that we determine appropriate based on use of connected lights, appliances, and equipment.

(c) "Billing demand" means the contract demand or the actual demand, whichever is greater, for a given month.

7. *Are any of the other power rates affected?*

No other power rates for the project are affected at this time.

Executive Order 12988: The Department has certified to the Office of Management and Budget (OMB) that this rate adjustment meets the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988.

Executive Order 12866: This rate adjustment is not a significant regulatory action and has been reviewed by the Office of Management and Budget under Executive Order 12866.

Regulatory Flexibility Act: This rate making is not a rule for the purposes of the Regulatory Flexibility Act because it is "a rule of particular applicability relating to rates." 5 U.S.C. 601(2).

Executive Order 12630: The Department has determined that this rate adjustment does not have significant "takings" implications.

Executive Order 12612: The Department has determined that this rate adjustment does not have significant Federalism effects because it pertains solely to Federal-tribal relations and will not interfere with the roles, rights, and responsibilities of states.

NEPA Compliance: The Department has determined that this rate adjustment does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement is required under the National Environmental Policy Act of 1969.

Paperwork Reduction Act of 1995: This rate adjustment does not contain collections of information requiring approval under the Paperwork Reduction Act of 1995.

Unfunded Mandates Act of 1995: This rate adjustment imposes no unfunded mandates on any governmental or private entity and is in compliance with the provisions of the Unfunded Mandates Act of 1995.

Dated: February 28, 2000.

Kevin Gover,

Assistant Secretary—Indian Affairs.

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Request for Projects Using the \$18.3 Million Fiscal Year 2000 Indian Reservation Roads Funds

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Request for applications and scope of work.

SUMMARY: The Department of Transportation Appropriations Act for FY 2000 provided an additional \$18.3 million for the Indian Reservation Roads (IRR) Program. Based on input from the Transportation Equity Act for the 21st Century (TEA-21) Negotiated Rulemaking Committee, we are requesting applications and scopes of work for IRR projects for the distribution of these additional funds. We will distribute the funds to federally-recognized Indian Tribes and Alaskan Native Villages based on a timely receipt of applications and scopes of work who have not completed adequate transportation planning within the last 5 years or that have deficient IRR bridges.

DATES: Applications and scopes of work supporting request for funding for projects must be postmarked by April 6, 2000.

ADDRESSES: You may submit applications including the scope of work to: LeRoy Gishi, Chief, Division of Transportation, Office of Trust Responsibilities, Bureau of Indian Affairs, 1849 C Street, NW, MS-4058-MIB, Washington, DC 20240. Mr. Gishi may also be reached at 202-208-4359 (phone), 202-208-4696 (fax), or leroygishi@bia.gov (electronic mail).

FOR FURTHER INFORMATION CONTACT: LeRoy Gishi, 202-208-4359.

SUPPLEMENTARY INFORMATION:

Background

The Department of Transportation Appropriations Act for FY 2000, Public Law 106-96, provided \$18.3 million for the IRR program. These IRR program funds are in addition to those provided in the Transportation Equity Act for the 21st Century (TEA-21) and are only provided for this fiscal year.

There is an immediate and critical need to use these additional funds in support of transportation planning and infrastructure for Indian Tribes and Alaskan Native Villages. IRR are typically among the most poorly maintained roads in the nation, in great need of development and repair. This creates great difficulty in meeting everyday needs, such as getting students to school and access to medical and emergency treatment, as well as economic and community development.

In consultation with the TEA-21 Negotiated Rulemaking Committee, we have developed the procedures for distribution of these IRR funds this fiscal year.

What Comments on Funds Distribution Did You Receive?

In a January 26, 2000 letter from the Tribal Co-Chairs of the TEA-21 Negotiated Rulemaking Committee, we received comments on consensus reached by 25 tribal delegates and alternates. This letter delineated, from a tribal perspective, how the \$18.3 million should be distributed to Indian Tribes and Alaskan Native Villages in support of the IRR program.

What Is the Purpose of This Action?

The purpose of this action is to prescribe the policies and procedures for making applications and distributing these additional IRR program funds for FY 2000.

What Is the IRR Program?

The IRR program is jointly administered by the Bureau of Indian Affairs (BIA) and the Federal Lands Highway (FLH) of the Federal Highway Administration (FHWA). The IRR program governs the planning, design,

construction and general administrative responsibility for IRR. The duties of each agency under the IRR program are set forth in a Memorandum of Agreement and the IRR Program Stewardship Plan between the two agencies. In general, BIA works with Indian tribal governments and tribal organizations to develop Transportation Improvement Programs which are submitted to FLH for review and approval. Each fiscal year FLH determines the amount of funds available for the IRR program. Then, FLH and BIA develop an IRR program funding plan for the fiscal year. Funds are allocated from FLH to BIA and distributed by the Secretary of the Interior (Secretary) for IRR projects on or near Indian reservations.

What Are the Additional FY 2000 IRR Funds?

These additional IRR program funds are provided as part of the Department of Transportation and Related Agencies Appropriations Act for FY 2000, Public Law 106-69. These funds are not part of other funding as authorized in 23 U.S.C. 204 or as distributed under 25 CFR 170.4b (65 FR 7431, Feb. 15, 2000).

How Long Will These Funds Be Available?

These funds are available for this fiscal year only. Any unobligated funds will expire at the end of the fiscal year.

What Are the Restrictions on These Funds?

The Secretary is asking for proposals from all federally-recognized Indian Tribes and Alaska Native Villages for transportation planning and bridge design projects. Priority consideration will be given to those Indian Tribes and Alaska Native Villages which have not completed an adequate transportation plan within the last 5 years or that have deficient IRR bridges.

Who May Apply for the Additional FY 2000 IRR Funds?

You may apply for the additional FY 2000 IRR funds if you meet any of the following criteria:

- (1) You are a federally-recognized Indian Tribe or Alaska Native Village;
- (2) You have not developed an adequate transportation plan in the last 5 years;
- (3) You have a deficient IRR bridge which needs to be designed for either rehabilitation or replacement; or
- (4) You are a BIA Regional office that has a direct service tribe within your region that meets the criteria in (1), (2) or (3) above.