

(58 FR 59716), the Secretary delegated (1) the authority to develop long-term power and transmission rates on a nonexclusive basis to the Administrator of the Western Area Power Administration (Western); and (2) the authority to confirm, approve, and place into effect on a final basis, to remand, or to disapprove such rates to the Federal Energy Regulatory Commission (FERC). In Delegation Order No. 0204-172, effective November 24, 1999, the Secretary delegated the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary. This rate extension is issued pursuant to the Delegation Orders and the Department of Energy (DOE) rate extension procedures at 10 CFR part 903.

### Background

Western's firm and nonfirm point-to-point transmission service rates for the AC Intertie 230/345/500-kV transmission system were submitted to FERC for confirmation and approval on January 31, 1996. On July 24, 1996, in Docket No. EF96-5191-000, at 76 FERC ¶ 62,061, FERC issued an order confirming, approving, and placing in effect on a final basis the firm and nonfirm point-to-point transmission service rates for the AC Intertie 230/345/500-kV transmission system. The rates set forth in Rate Order No. WAPA-71 were approved for the period beginning February 1, 1996, and ending September 30, 2000.

Under Rate Order No. WAPA-71, the three types of transmission service rates approved were (1) a firm point-to-point transmission service rate for the AC Intertie 230/345-kV transmission system; (2) a firm point-to-point transmission service rate for the AC Intertie 500-kV transmission system; and (3) a nonfirm point-to-point transmission service rate for the AC Intertie 230/345/500-kV transmission system.

Western's firm point-to-point transmission service rate for the AC Intertie 230/345-kV transmission system was superseded through Rate Order No. WAPA-76 and submitted to FERC for confirmation and approval on February 8, 1999. On June 22, 1999, in Docket No. EF99-5191-000, at 87 FERC ¶ 61,346, FERC issued an order confirming, approving, and placing in effect on a final basis the firm point-to-point transmission service rate for the AC Intertie 230/345-kV transmission system. Western's rate of \$12.00/kilowattyear for firm point-to-point transmission service for the AC Intertie 230/345-kV transmission system, set forth in Rate Order No. WAPA-76, was approved for a 5-year period beginning January 1, 1999, and ending December 31, 2003.

### Discussion

During the firm point-to-point transmission service rate development for the AC Intertie 230/345-kV transmission system (Rate Order No. WAPA-76), Western determined that it will take approximately 10 years for the AC Intertie 500-kV transmission system to be subscribed to a level sufficient to meet its own revenue repayment requirements. The ratesetting Power Repayment Study (PRS), established for the AC Intertie 230/345/500-kV transmission system (Rate Order No. WAPA-76), reflected the phasing-in of AC

Intertie 500-kV transmission system revenues starting in FY 1999 through FY 2008. This ratesetting PRS remains valid. The projected revenue levels through sales of firm and nonfirm point-to-point transmission service and miscellaneous items are sufficient to recover project expenses and capital requirements through FY 2049 for the AC Intertie 230/345/500-kV transmission system.

Western, therefore, has decided to extend the existing firm point-to-point transmission service rate of \$17.23/kilowattyear for the AC Intertie 500-kV transmission system and the nonfirm point-to-point transmission service rate of 2.00 mills/kilowattyear for the AC Intertie 230/345/500-kV transmission system. This extension would synchronize the expiration dates for all firm and nonfirm point-to-point transmission service rates for the AC Intertie 230/345/500-kV transmission system.

In accordance with 10 CFR 903.23(a)(2), Western did not have a consultation and comment period. The notice of proposed extension of the firm point-to-point transmission service rate for the AC Intertie 500-kV transmission system and the nonfirm point-to-point transmission service rate for the AC Intertie 230/345/500-kV transmission system was published in the **Federal Register** on June 7, 2000.

### Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary, I hereby extend for a period effective October 1, 2000, and ending December 31, 2003, the existing firm point-to-point transmission service rate of \$17.23/kilowattyear for the AC Intertie 500-kV transmission system and the nonfirm point-to-point transmission service rate of 2.00 mills/kilowattyear for the AC Intertie 230/345/500-kV transmission system.

Dated: August 15, 2000.

**T.J. Glauthier,**

*Deputy Secretary.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL 6857-8]

### Proposed Settlement Agreement, Clean Air Act Petitions for Review

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

**ACTION:** Notice of proposed settlement agreement providing for rulemaking to amend regulation issued pursuant to Clean Air Act Title IV.

**SUMMARY:** EPA hereby gives notice of a proposed settlement agreement in the case entitled *Zinc Corporation of America v. EPA*, No. 97-1734 (consolidated with 98-1562) (D.C. Cir.). EPA issues this notice in accordance with section 113(g) of the Clean Air Act,

as amended (the "Act"), 42 U.S.C. 7413(g), which requires EPA to give notice and provide an opportunity for public comment on proposed settlement agreements.

The litigation challenges EPA's promulgation of two final rules under Title IV of the Act pertaining to control of acid rain. See 62 FR 55460 (Oct. 24, 1997); 63 FR 51705 (Sept. 28, 1998). Zinc Corporation of America ("Zinc") filed two separate petitions for review of these EPA rules under section 307(b)(1) of the Act, 42 U.S.C. 7607(b)(1). The litigation concerns, among other things, EPA's creation of an exemption from certain requirements under Title IV for "industrial utility-units." The proposed Settlement Agreement provides that EPA will undertake a rulemaking to eliminate the "industrial utility-units" exemption under 40 CFR 72.14. That exemption provides that certain units that are not cogeneration units and that generate only small amounts of electricity for sale could seek an exemption from many acid rain program requirements. In the absence of the exception, the status of such units will be determined by whether they meet the definition of "utility unit" or industrial source" under Title IV.

For a period of thirty (30) days following the date of publication of this notice, EPA will accept written comments relating to the proposed Settlement Agreement from persons who are not named as parties or interveners to this litigation. EPA or the Department of Justice may withhold or withdraw consent to the proposed Settlement Agreement if the comments disclose facts or circumstances that indicate that the agreement is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice makes such a determination following the comment period, EPA will take the actions set forth in the Settlement Agreement.

A copy of the proposed Settlement Agreement is available from Phyllis Cochran, Air and radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, (202) 546+5566. Written comments should be sent to Geoffrey L. Wilcox, Esq., at the above address and must be submitted on or before September 28, 2000.

Dated: August 23, 2000.

**Anna Wolgast,**

*General Counsel.*

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