

Secretary within 60 days after the deadline of 120 days represented by steps 6.3 (B) and 6.3 (C) above.

6.6. FERC will inform the Licensee and Stakeholders of the outcomes of the dispute resolution procedure within 15 days of the decision(s) reached pursuant to paragraphs 6.3 through 6.5.

6.7. In addition, or as an alternative, to the dispute resolution procedure provided in paragraphs 6.2–6.6 above, Licensee and Stakeholders may develop an alternative procedure to resolve disputes on the content of the advisory opinion. Such an alternative procedure will be developed prior to the due date for the advisory opinion as stated in paragraph 6.2 above.

## 7. Study Development

7.1. After consideration of Stakeholders' comments and the advisory opinions (as revised pursuant to paragraphs 6.2 through 6.7), Licensee will adopt a study plan within 60 days after notice from FERC of the advisory opinion (as revised) which plan will provide for conducting studies and collecting data.

7.2. Any Stakeholder will follow 18 C.F.R. Section 16.8(b)(4), (c)(2), or (d)(2), and the schedule established in paragraph 5.3 to make any Additional Information/Study Requests ("AI/SR").

7.3. The Licensee will be deemed to have discharged its responsibility to conduct studies or gather information if its study plan is executed in a manner consistent with the advisory opinion issued pursuant to paragraphs 6.2 to 6.7. This presumption may be rebutted by the objecting stakeholder only if (A) an unexpected study result is found, (B) there is a change in applicable law, or (C) there is a dispute regarding implementation of the study plan, relative to the AI/SR that the Licensee did not undertake.

A. "Unexpected study result" means that there is a potentially significant impact that was previously not foreseen to occur, or that the intensity of a significant impact is so different than foreseen that additional study is appropriate for the development of protection, mitigation, or enhancement measures. This contemplates a clear demonstration of an anomalous result<sup>23</sup>.

B. "Change in applicable law" is a change in statute or rule, that may materially affect the appropriate level of protection, mitigation, or enhancement of resources affected by the project. An example is a new ESA listing applicable to the project reach.

C. "Dispute regarding implementation of study plan" means that an objecting stakeholder has a reasonable basis to dispute that the Licensee followed generally accepted scientific methods in the implementation of the study plan. This excludes the choice of any scientific method specifically identified in the advisory opinion, although it may include a dispute regarding the implementation of the method.

<sup>23</sup>This is not intended to repeat studies because the results obtained were unexpected. However, it would apply to new issues identified either through the studies or outside activities.

## 8. Preliminary Draft Environmental Document and Preliminary Conditions

8.1. Prior to the release of Preliminary Draft Environmental Document ("PDED"), the Licensee will release a summary of which studies have been completed to date and will disclose which additional studies the Licensee intends to conduct.

8.2. Licensee will issue its PDED after consulting with FERC and Cooperating Agencies, and no later than 3 years prior to license expiration. There will be a 60-day comment period on the PDED. The PDED document, which functionally will replace the environmentally related sections of the draft application, will include:

- A. Refined issues based on completed studies;
- B. Review of comments on study results.
- C. A description of additional studies planned.

D. A refined set of alternatives.

8.3. Concurrent with issuance of the PDED, the Licensee will commit to provide the additional information identified as to be done in the PDED, on a schedule acceptable to itself, FERC and Cooperating Agencies.

8.4. Licensee will convene a public meeting within 30 days after PDED publication. FERC and Cooperating Agencies will participate. FERC will issue notice of the publication within ten days of receiving the PDED, at least 15 days prior to the meeting.

8.5. Each Resource Agency will provide preliminary draft Terms and Conditions during the 60-day comment period on the PDED.

## 9. Application Filed

9.1. Application will be filed 2 years before license expiration date (same as existing practice). The application will include all results from studies completed, a listing of studies in progress, and proposed protection, mitigation and enhancement measures.

10. FERC Tender and Procedural Notice/Ready for Environmental Decision ("Red") Notice/Revised Agency Draft Terms and Conditions

10.1. FERC will issue a tender notice within 14 days of filing and will issue a procedural notice within 60 days of filing of application. On publication of such tender notice, Stakeholders become subject to *ex parte* rules.

10.2. Within 60 days of filing of the application, FERC and Cooperating Agencies will issue notice that the application is ready for environmental decision ("RED"), or if the application is not ready for environmental decision FERC and Cooperating Agencies will identify additional information needed as listed in the joint advisory opinion (as revised to handle resolution of any disputes pursuant to paragraph 6 above) to make it ready.

10.3. Each Resource Agency will issue revised preliminary draft Terms and Conditions within 60 days after RED notice.

11. Draft Environmental Assessment/Environmental Impact Statement; Draft Terms and Conditions; and Draft License Articles

11.1. Within 180 days after the RED notice, FERC and Cooperating Agencies will issue

draft EA/EIS (as an informational document, not decisional, as set forth in paragraph 4.3 above) for public review and comment. Also within 180 days after the RED, FERC and any other agency that plans to submit Terms and Conditions to FERC will separately issue draft License Articles and draft Terms and Conditions. The draft EA/EIS will state any dispute between FERC and Cooperating Agencies with respect to environmental impact analysis (consistent with paragraph 4.3 above).

11.2. There will be a 60-day public comment period on the draft EA/EIS, draft License Articles, and draft Terms and Conditions.

11.3. Each Resource Agency will submit final or final draft Terms and Conditions, within 45 days following the close of the public comment period on the draft EA/EIS. A Resource Agency may require publication of a final NEPA document before issuance of final Terms and Conditions, in which case the agency may issue final draft Terms and Conditions at this time. In the alternative the agency may issue final Terms and Conditions at this time, subject to reopen if the final EA/EIS document contains new information not contained in the draft.

11.4. To encourage resolution of issues informally and to reduce time regarding disputes related to final (and draft) Terms and Conditions, FERC and the Agencies may use the dispute resolution process described in section 6 above.

## 12. Final Environmental Document and License Issuance

12.1. The final EA/EIS (as an informational document, consistent with paragraph 4.3 above) will be published separately from the License. The License will be issued by FERC and will include final Terms and Conditions. The final EA/EIS will describe any remaining dispute between FERC and a Cooperating Agency regarding environmental impacts analysis.

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 35

**[Docket No. RM01-12-000]**

### Remedying Undue Discrimination Through Open Access Transmission Service and Standard Electricity Market Design

September 10, 2002.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Notice revising public comment schedule and announcing technical conferences.

**SUMMARY:** On July 31, 2002, the Commission issued a Notice of Proposed Rulemaking (NOPR) in the

above-captioned docket, proposing to amend its regulations to remedy undue discrimination through open access transmission service and standard electricity market design, (67 FR 55452, August 29, 2002). The Commission is extending the time for parties to file comments on the proposed rule, providing parties an opportunity to file reply comments and convening a series of technical conferences to address several specific issues identified in the NOPR.

**DATES:** Comments should be filed on or before November 15, 2002.

Reply comments should be filed on or before December 20, 2002.

A series of conferences will be convened on: October 2, 2002, October 3, 2002 and December 11, 2002.

**ADDRESSES:** Send comments to: Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

**FOR FURTHER INFORMATION CONTACT:** David Withnell (Legal Information), Office of General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502-8287.

#### SUPPLEMENTARY INFORMATION:

##### Notice Revising Public Comment Schedule and Announcing Technical Conferences

In the six weeks since the Commission issued its Notice of Proposed Rulemaking (NOPR) in the above-captioned docket, Commission members and staff have participated in numerous meetings and conferences throughout the country to discuss the proposed rule. These meetings have been a valuable source of information about the response of the general public, and specifically the electric utility industry, to the proposed Standard Market Design rule and the issues that the Commission must address going forward.

1. Various entities have asserted that the 75-day comment period provided in the NOPR does not allow enough time for the public to review the NOPR and provide the detailed comments that the Commission requested therein. Several parties also have expressed their wish to provide reply comments in order to develop an on-the-record dialogue about the NOPR's proposals.

2. We will grant an extension of time to permit all interested parties to file comments on the NOPR by November 15, 2002. In addition, we will allow all interested parties to file reply comments on or before December 20, 2002. All comments should include an executive

summary that should not exceed ten pages.

3. In addition, Commission staff will convene a series of technical conferences this fall to address several specific issues identified in the NOPR. The Commission also will reserve a week in January 2003 for any further technical conferences necessary to explore remaining areas of concern identified during our continued outreach and through the comment process.

4. The fall conference schedule will be as follows:

- *October 2, 2002:* Essential elements of a standard market monitoring plan. Please refer to the Notice issued in this docket on August 28, 2002 for further details.

- *October 3, 2002:* Standard software to support electric grid and market operations under Standard Market Design. Please refer to the Notice issued in this docket on August 22, 2002 for further details.

- *December 11, 2002:* This conference will address liability and indemnification provisions in the Standard Market Design Tariff, as specified in paragraph 389 of the NOPR.

5. Each conference will be held from approximately 9:30 a.m. to 5 p.m., at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC. The conferences are open to the public, and registration is not required. Members of the Commission may attend and participate in the discussions. Further details about each conference will be provided in supplemental notices.

2. Transcripts of the conference will be immediately available from Ace Reporting Company (202-347-3700 or 1-800-336-6646), for a fee. They will be available for the public on the Commission's FERRIS system two weeks after the conference. Additionally, Capitol Connection offers the opportunity for remote listening and viewing of the conference. It is available for a fee, live over the Internet, via C-Band Satellite. Persons interested in receiving the broadcast, or who need information on making arrangements should contact David Reininger or Julia Morelli at the Capitol Connection (703-993-3100) as soon as possible or visit the Capitol Connection website at <http://www.capitolconnection.gmu.edu> and click on "FERC."

By direction of the Commission.

**Magalie R. Saler,**

*Secretary*

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 2

[USCG 2001-9044]

RIN 2115-AG13

### Territorial Seas, Navigable Waters, and Jurisdiction

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking; correction.

**SUMMARY:** On August 14, 2002, we published a notice of proposed rulemaking to conform the Coast Guard's definitions of jurisdictional terms to existing law. In our proposed revision of 33 CFR part 2, we inadvertently omitted the contents of footnote 2. This document corrects that omission.

**DATES:** Comments and related materials on our corrected proposed rule must reach the Docket Management Facility on or before November 12, 2002.

**ADDRESSES:** To make sure that your comments and related materials are not entered more than once in the docket, please submit them by only one of the following means:

(1) By mail to the Docket Management Facility (USCG-2001-9044), U.S. Department of Transportation, room PL-401, 400 Seventh Street SW., Washington, DC 20590-0001.

(2) By hand delivery to room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

(3) By fax to the Docket Management Facility at 202-493-2251.

(4) By electronic means through the Web Site for the Docket Management System at <http://dms.dot.gov>.

The Docket Management Facility maintains the public docket for this rulemaking. Comments and materials received from the public, as well as documents mentioned in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this proposed rule, call Alex Weller, Office of