

submitted a filing concerning its plans for implementation of Order No. 2003.  
*Comment Date:* February 13, 2004.

### 3. Southwest Transmission Cooperative, Inc.

[Docket No. EL04-77-000]

Take notice that on January 20, 2004, Southwest Transmission Cooperative, Inc., submitted a filing concerning its plans for implementation of Order No. 2003.

*Comment Date:* February 13, 2004.

### 4. Midwest ISO Transmission Owners

[Docket No. EL04-78-000]

Take notice that on January 20, 2004, Midwest ISO Transmission Owners submitted a filing concerning its plans for implementation of Order No. 2003.

*Comment Date:* February 13, 2004.

### 5. Midwest Stand-Alone Transmission Companies

[Docket No. EL04-79-000]

Take notice that on January 20, 2004, the Midwest Stand Alone Transmission Companies submitted a filing regarding their plan for implementation of Order No. 2003.

*Comment Date:* February 13, 2004.

### 6. Midwest Energy, Inc.

[Docket No. EL04-80-000]

Take notice that on January 22, 2004, Midwest Energy, Inc. submitted a filing regarding its plan for implementation of Order No. 2003.

*Comment Date:* February 17, 2004.

### 7. Midwest Energy, Inc.

[Docket No. ER96-2027-003]

Take notice that on February 5, 2004, Midwest Energy, Inc. (Midwest Energy), submitted a notification of a change in status with respect to its market-based rate tariff.

*Comment Date:* February 26, 2004.

### 8. ISO New England Inc.

[Docket No. ER01-316-010]

Take notice that on February 3, 2004, ISO New England Inc. filed its Index of Customers for the fourth quarter of 2003 for its Tariff for Transmission Dispatch and Power Administration Services in compliance with Order No. 614.

*Comment Date:* February 24, 2004.

### 9. Xcel Energy Services, Inc.

[Docket No. ER04-201-001]

Take notice that on January 20, 2004, Xcel Energy Services, Inc. (XES), on behalf of Public Service Company of Colorado (PSC), submitted for filing a Commission Order 614 complaint version of the Notice of Cancellation of a Master Power Purchase and Sale

Agreement with the City of Glendale, effective January 27, 2000.

*Comment Date:* February 13, 2004.

### 10. Orion Power MidWest, L.P.

[Docket No. ER04-500-000]

Take notice that on January 30, 2004, Orion Power MidWest, L.P. (OPMW) tendered for filing an Agreement For Sharing Revenue From Reactive Supply and Voltage Control From Generation Sources Within The FirstEnergy Control Area between OPMW and FirstEnergy Solutions Corp. OPMW request an effective date of October 1, 2003.

*Comment Date:* February 20, 2004.

### 11. Virginia Electric and Power Company

[Docket No. ER04-525-000]

Take notice that on February 3, 2004, Virginia Electric and Power Company (Dominion Virginia Power) tendered for filing a Service Agreement for Network Integration Transmission Service (Retail) and Network Operating Agreement between Dominion Virginia Power and Pepco Energy Services, Inc., designated as Service Agreement Number 378, Virginia Electric and Power Company FERC Electric Tariff, Second Revised Volume No. 5.

Dominion Virginia Power requests a waiver of the Commission's regulations to permit an effective date of January 1, 2004.

*Comment Date:* February 24, 2004.

### 12. Black River Generation, LLC

[Docket No. ER04-526-000]

Take notice that on February 3, 2004, Black River Generation, LLC (Black River Generation) tendered for filing an application for authorization to sell energy, capacity, and ancillary services and to provide asset management services at market-based rates pursuant to section 205 of the Federal Power Act.

*Comment Date:* February 24, 2004.

### Standard Paragraph

Any person desiring to intervene or to protest this filing should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. All such motions or protests should be filed on or before the comment date, and, to the extent applicable, must be served on the

applicant and on any other person designated on the official service list. This filing is available for review at the Commission or may be viewed on the Commission's Web site at <http://www.ferc.gov>, using the "FERRIS" link. Enter the docket number excluding the last three digits in the docket number filed to access the document. For assistance, call (202) 502-8222 or TTY, (202) 502-8659. Protests and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E4-266 Filed 2-11-04; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Change in Procedures for the Selection of Third-Party Contractors for Hydropower Licensing

February 4, 2004.

Section 2403(a) of the Energy Policy Act of 1992 affirmed the Federal Energy Regulatory Commission's (Commission) authority to use qualified third-party contractors, paid for by the applicant, to prepare environmental impact statements (EISs) required by the National Environmental Policy Act (NEPA) for applications for licensing hydropower projects.

In April 1999, the Commission solicited qualification statements from contractors seeking status to prepare EISs under the third-party contracting provisions of section 2403(a). On October 9, 1999, the Commission issued a notice listing the names of 28 qualified third-party contractors.

The Commission has decided to change its procedures for selecting third-party contractors for the preparation of EISs required for proposals for licensing hydropower projects. Effective immediately, the Commission will no longer maintain a list of qualified third-party contractors. Instead, applicants electing to use a third-party contractor to assist the Commission in meeting its responsibilities under NEPA would issue a Request for Proposals for potential third-party contractors, evaluate the responses, and submit the three best proposals to the Commission staff for selection. This approach for

selecting third-party contractors will now be consistent with the approach currently used for applications for certification of natural gas facilities. The attached document provides an overview for starting the process. Additional information is available on the Commission's Web site at <http://www.ferc.gov/industries/hydropower/enviro/third-party/tpc.asp>.

**Magalie R. Salas,**  
Secretary.

#### **Office of Energy Projects; Third-Party Contracting Program**

The Office of Energy Project's voluntary "third-party contracting" (3-PC) program enables applicants seeking certificates for natural gas facilities or licenses for hydroelectric power projects to fund a third-party contractor to assist the Commission in meeting its responsibilities under the National Environmental Policy Act of 1969.

The 3-PC program involves the use of independent contractors to assist Commission staff in its environmental review and preparation of environmental documents. A third-party contractor is selected by, and works under the direct supervision and control of Commission staff, and is paid for by the applicant. Prospective applicants considering participation in this 3-PC program should meet with Commission staff to discuss their proposals, and to answer any questions they might have relative to the program itself.

Applicants electing to participate in the 3-PC program will be required to prepare a draft Request for Proposal (RFP) for review and approval by the Commission staff before it is issued. The RFP will be required to include screening criteria, and an explanation of how the criteria will be used to select among the contractors who respond to the RFP. Subsequently, applicants would issue the approved RFP and screen all proposals received for technical adequacy and Organizational Conflict of Interest (OCI). The applicant is responsible for reviewing carefully all OCI materials (submitted for the prime and each proposed subcontractor as part of each proposal) to determine whether the candidate is capable of impartially performing the environmental services required under the third-party contract. The applicant will then submit to Commission staff the technical and cost proposals and OCI statements of their three best qualified candidates.

Final contractor selection will be made by Commission staff based on an evaluation of the technical, managerial, and personnel aspects of the candidates' proposals as well as OCI considerations. While bid fees will not necessarily be the controlling factor in the selection of the third-party contractor, relative cost levels will be considered. Commission staff will send the applicant an approval letter clarifying any details and/or resolving any issues that remain outstanding following review of the selected third-party contractor's proposal.

As soon as practical, the applicant will award a contract to the third-party contractor

identified in the Commission staff's approval letter. The applicant and the contractor will determine the appropriate form of agreement for payment of the contractor by the applicant. Because the applicant will actually award the contract to the third-party contractor, it will be the applicant's responsibility to answer questions from candidates not selected.

The information provided above is intended to give a quick overview of the 3-PC program and how to get started. Detailed guidance specific to the gas and hydro process will be available soon. In the interim, applicants with specific questions about the 3-PC program can contact the following Commission staff:

*Gas Certificate 3-PC program:* Richard R. Hoffmann, Director, Division of Gas—Environment and Engineering, telephone (202) 502-8066, Office of Energy Projects, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426; <http://www.ferc.gov/industries/gas/enviro/third-party/tpc.asp>.

*Hydropower Licensing 3-PC program:* Ann F. Miles, Director, Division of Hydropower—Environment and Engineering, telephone (202) 502-6769, Office of Energy Projects, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426; <http://www.ferc.gov/industries/hydropower/enviro/third-party/tpc.asp>.

*Inquiries regarding OCI should be directed to:* David R. Dickey, Staff Attorney, General and Administrative Law (GC-13), telephone (202) 502-8527, Office of General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

*Inquiries regarding ex parte should be directed to:* Carol C. Johnson, Staff Attorney, General and Administrative Law (GC-13), telephone (202) 502-8521, Office of General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

[FR Doc. E4-257 Filed 2-11-04; 8:45 am]

**BILLING CODE 6717-01-P**

## **DEPARTMENT OF ENERGY**

### **Federal Energy Regulatory Commission**

[Docket No. RP04-51-000]

#### **Paiute Pipeline Company; Notice of Rescheduling of Technical Conference**

February 4, 2004.

In its Order issued December 4, 2003,<sup>1</sup> the Commission directed that a technical conference be held to better understand several aspects of Paiute Pipeline Company's November 7, 2003 tariff filing pertaining to segmentation and backhaul transportation.

Take notice that the technical conference has been rescheduled for Wednesday, February 25, 2004 at 10 a.m., in a room to be designated at the

offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

All interested persons and staff are permitted to attend. Parties that wish to participate by phone should contact Sharon Dameron at (202) 502-8410 or at [sharon.dameron@ferc.gov](mailto:sharon.dameron@ferc.gov) no later than Wednesday, February 18, 2004.

**Magalie R. Salas,**  
Secretary.

[FR Doc. E4-261 Filed 2-11-04; 8:45 am]

**BILLING CODE 6717-01-P**

## **DEPARTMENT OF ENERGY**

### **National Nuclear Security Administration**

#### **Record of Decision: Final Environmental Impact Statement for the Chemistry and Metallurgy Research Building Replacement Project, Los Alamos National Laboratory, Los Alamos, NM**

**AGENCY:** National Nuclear Security Administration, Department of Energy.

**ACTION:** Record of decision.

**SUMMARY:** The U.S. Department of Energy (DOE), National Nuclear Security Administration (NNSA) is issuing this record of decision on the proposed replacement of the existing Chemistry and Metallurgy (CMR) Building at Los Alamos National Laboratory (LANL) in Los Alamos, New Mexico. This record of decision is based upon the information contained in the "Environmental Impact Statement for the Proposed Chemistry and Metallurgy Research Building Replacement Project, Los Alamos National Laboratory, Los Alamos, New Mexico", DOE/EIS-0350 (CMRR EIS), and other factors, including the programmatic and technical risk, construction requirements, and cost. NNSA has decided to implement the preferred alternative, alternative 1, which is the construction of a new CMR Replacement (CMRR) facility at LANL's Technical Area 55 (TA-55). The new CMRR facility would include a single, above-ground, consolidated special nuclear material-capable, Hazard Category 2 laboratory building (construction option 3) with a separate administrative office and support functions building. The existing CMR building at LANL would be decontaminated, decommissioned, and demolished in its entirety (disposition option 3). The preferred alternative includes the construction of the new CMRR facility, and the movement of operations from the existing CMR

<sup>1</sup> Paiute Pipeline Company, 105 FERC ¶ 61,271