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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. QF04-50-000]

#### In Reply Refer To: Fountainview at College Road, Inc.

June 14, 2004.

Fountainview at College Road, Inc.,  
Attention: John Vario, 2000  
Fountainview Drive, Monsey, New York  
10952.

CRM Energy Technologies, Attention: Robert  
Wilson, 80 Red Schoolhouse Rd.,  
Chestnut Ridge, NY 10977.

Dear Mr. Vario and Mr. Wilson:

1. The Commission finds that the self-certification as a qualifying facility (QF) submitted by the Fountainview at College Rd, Inc. (Fountainview) may no longer be relied upon, 18 CFR 292.207(d)(1)(i) (2003). Fountainview's filing with the Commission was incomplete, and Fountainview has not responded to repeated requests to provide the additional information needed to complete the filing.

2. On December 4, 2003, Fountainview submitted a notice of self-certification, containing a Form No. 556. According to Fountainview's filing, Fountainview owns a 500 kilowatt cogeneration facility located in Monsey, New York.

3. The owner or operator of a facility (or its representative) self-certifying must file with the Commission, and concurrently serve on each electric utility with which it expects to interconnect, transmit or sell electric energy to, or purchase supplementary, standby, back-up and maintenance power from, and the state regulatory authority of each state where the facility and each affected utility is located "a notice of self-certification which contains a *completed* Form 556." See 18 CFR 292.207(a) (2003) (emphasis added). As described below, Fountainview's notice of self-certification did not contain the required, completed Form No. 556.

4. The Form No. 556 submitted by CRM for Fountainview did not contain the following required information: a complete description of the ownership of the facility including a description of any ownership interest held by an electric utility or electric utility holding company or by a person owned by either; an address and telephone number for

communications regarding the filing; the electric utilities that are contemplated to transact with the qualifying facility (if known) and the services those electric utilities are expected to provide; utilities interconnecting with the facility and/or providing wheeling service; utilities purchasing the useful electric power output and utilities providing supplementary power, backup power, maintenance power, and/or interruptible power service; a description of the principal components of the facility; net and gross capacity; a discussion of the particular characteristics of the facility that might bear on the qualifying status; a mass and heat balance diagram; mechanical output; the number of hours of operation per year; the identity of the thermal host; and how the heat will be used.

5. Staff called Fountainview on December 16, 2003 and spoke to Mr. John Vario in an attempt to obtain information omitted from the filing. Mr. Vario directed staff to call CRM Energy Technologies (CRM) because CRM was responsible for building the proposed facility for Fountainview and because CRM had submitted the notice of self-certification on Fountainview's behalf. Staff then called Mr. Richard Bailey, CRM's president, and informed him that the filing was deficient. He said that CRM would address the deficiencies. When nothing was filed with the Commission, staff, between January and April of 2004, called both Fountainview and CRM on several occasions and spoke to Debbie Reinfried, Roland Biehle, Robert Wilson (CRM's General Manager), and John Vario. On March 3, 2004, staff, pursuant to delegated authority, issued a letter to CRM, asking CRM to answer all of the questions in Form No. 556, with a response due on or before March 18, 2004. See 18 CFR 375.307(l)(3) (2003). The letter was both mailed and faxed to CRM and Fountainview. Staff subsequently called CRM and verified that it had received the fax. After the response date had passed, staff called Robert Wilson two times, but to date neither a response to the letter nor an explanation for the delay has been filed.

6. If a qualifying facility fails to conform to any material facts or representations presented by the applicant in its submittal to the Commission, the notice of self-certification of qualifying status of the facility "may no longer be relied upon." See 18 CFR 292.207(d)(1)(i) (2003). Because Fountainview has failed to include the required, completed Form No. 556 with its filing, the Commission finds that Fountainview may not rely on the notice of self-certification it submitted in this docket.

7. If Fountainview desires QF status, Fountainview may file either a new notice of self-certification pursuant to the requirements of 18 CFR 292.207(a)(1) (2003), or an application for Commission certification pursuant to the requirements of 18 CFR 292.207(b) (2003). See 18 CFR 292.207(d)(1)(i) (2003). We caution that Fountainview's notice of self-certification, or alternatively its application for Commission certification, must contain all of the information required by the Commission's regulations, including the information identified in Form No. 556.

8. A copy of this letter will be published in the **Federal Register**.

By direction of the Commission.

**Magalie R. Salas,**  
*Secretary.*

cc: Orange and Rockland Utilities, Inc., One  
Blue Hill Plaza, Pearl River, NY 10965.  
New York Public Service Commission,  
Empire State Plaza, Agency Building 3,  
Albany, NY 12223-1350.

[FR Doc. 04-13999 Filed 6-21-04; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Western Area Power Administration

#### Parker-Davis Project, Pacific Northwest-Pacific Southwest Intertie Project, and the Central Arizona Project

**AGENCY:** Western Area Power Administration, DOE.

**ACTION:** Notice of proposed rates.

**SUMMARY:** The Western Area Power Administration (Western) is initiating a rate adjustment process for a firm transmission rate for Projects in the Desert Southwest Customer Service Region. The multi-system transmission rate (MSTR) will apply to three transmission systems: the Parker-Davis Project (P-DP), the Pacific Northwest-Pacific Southwest Intertie Project (Intertie), and the Central Arizona Project (CAP) for rate purposes. The proposed MSTR will provide sufficient revenue to pay all annual costs, including interest expense and repayment of required investment, within the allowable period for the three transmission systems. A detailed rate brochure that identifies the reasons for proposing a multi-system transmission rate is available on Western's Web site (<http://www.wapa.gov/dsw/pwrmt/MSTRP/MSTRP.htm>). The proposed MSTR is scheduled to become effective on January 1, 2005, and will remain in effect through December 31, 2009. Publication of this **Federal Register** notice initiates the formal process for the proposed rate adjustment.

**DATES:** The consultation and comment period will begin today and will end September 20, 2004. Western representatives will explain the proposed MSTR at a public information forum on July 14, 2004, beginning at 10 a.m. MST, in Phoenix, AZ. Western will receive oral and written comments at a public comment forum on August 11, 2004, beginning at 10 a.m. MST, in Phoenix, AZ.

**ADDRESSES:** Written comments should be sent to: Mr. J. Tyler Carlson, Regional

Manager, Desert Southwest Customer Service Region, Western Area Power Administration, PO Box 6457, Phoenix, AZ 85005-6457, e-mail [carlson@wapa.gov](mailto:carlson@wapa.gov). Western must receive written comments by the end of the consultation and comment period to ensure they are considered in Western's decision process. The public information forum and public comment forum will be held at: Desert Southwest Customer Service Regional Office, located at 615 South 43rd Avenue, Phoenix, Arizona.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jack Murray, Rates Team Lead, Desert Southwest Customer Service Region, Western Area Power Administration, PO Box 6457, Phoenix, AZ 85005-6457,

telephone (602) 352-2442, e-mail: [jmurray@wapa.gov](mailto:jmurray@wapa.gov).

**SUPPLEMENTARY INFORMATION:**

**Proposed Multi-System Transmission Rate**

The proposed MSTR is designed to recover an annual revenue requirement that includes the annual transmission costs for P-DP, Intertie, and CAP, including investment repayment. The MSTR will be determined by the total transmission Revenue Requirements from each of the three projects divided by the total system reservations and estimates of network sales for the three projects. A stepped rate will be applied during the first 5 years to mitigate the cost shift to those customers who do not have concurrent service over two or

more Projects (termed pancaked service). This stepped rate will be determined as follows: DSW will calculate a target rate to be achieved in the fifth year following the effective date of the MSTR. The single system transmission rate (SSTR) for each Project in the first 4 years will be the prior year rate increased/decreased each year by an amount equal to 25 percent of the difference between the target rate and the rate in effect in the year prior to the MSTR effective date. In the fifth year, all projects will pay the target rate. The stepped rate is illustrated in Table 1. The total revenue collected during the 5 years will be adequate to meet all expenses of each Project during the 5-year period.

TABLE 1.—COMPARISON OF SSTR TO MSTR FOR RATE PERIOD

	P-DP	CAP	IP 230/345-kV	IP 500-kV	Multi-System
FY 2004 .....	\$1.08 /kW-Mo .....	\$0.82 /kW-Mo .....	\$1.00 /kW-Mo .....	\$1.44 /kW-Mo .....	n/a
FY 2005 .....	1.11 /kW-Mo .....	0.82 /kW-Mo .....	1.00 /kW-Mo .....	1.44 /kW-Mo .....	n/a
FY 2006 .....	1.12 /kW-Mo .....	0.90 /kW-Mo .....	1.04 /kW-Mo .....	1.37 /kW-Mo .....	n/a
FY 2007 .....	1.13 /kW-Mo .....	0.99 /kW-Mo .....	1.08 /kW-Mo .....	1.30 /kW-Mo .....	n/a
FY 2008 .....	1.14 /kW-Mo .....	1.07 /kW-Mo .....	1.11 /kW-Mo .....	1.22 /kW-Mo .....	n/a
FY 2009 .....	1.15 /kW-Mo .....	1.15 /kW-Mo .....	1.15 /kW-Mo .....	1.15 /kW-Mo .....	1.15 /kW-Mo

The rate will be effective on January 1, 2005, and will remain in effect through December 31, 2009. Schedules will be updated every fiscal year on October 1, to reflect current financial and load data. The target rate may be changed as a result of the yearly update to ensure revenues collected over the 5 year period will be adequate to meet all expenses for each project. The MSTR will supersede each Project's SSTR. Revenue derived from the MSTR will be allocated to the Projects based on each individual Project's percentage of the MSTR revenue requirement.

Firm Electric Service (FES) and Priority Use Power (PUP) customers who take service under existing marketing plans will continue to receive a bundled product which includes an appropriate transmission component charge. The FES or PUP customers that choose to take advantage of the broader MSTR transmission service will pay the MSTR. In the near term and in accordance with the existing contractual commitments, FES and PUP customers that continue to take limited service delivery solely on the P-DP system will receive a credit for the difference between the MSTR and the transmission component of the P-DP bundled Power rate.

**Procedural Requirements**

Western will hold both a public information forum and a public comment forum. After a review of public comments, possible amendments or adjustments, Western will recommend the Deputy Secretary of Energy approve the proposed MSTR on an interim basis. The proposed MSTR is being established pursuant to the DOE Organization Act, (42 U.S.C. 7152); the Reclamation Act of 1902, ch. 1093, 32 Stat. 388, as amended and supplemented by subsequent laws, particularly section 9(c) of the Reclamation Project Act of 1939, (43 U.S.C. 485h(c)); and other acts that specifically apply to the P-DP, Intertie, and CAP transmission projects.

By Delegation Order No. 00'037.00 approved December 6, 2001, the Secretary of Energy delegated: (1) The authority to develop power and transmission rates on a nonexclusive basis to Western's Administrator; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary of Energy; and (3) 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. Existing DOE procedures for public participation in power rate adjustments (10 CFR 903) were

published on September 18, 1985 (50 FR 37835).

**Availability of Information**

All brochures, studies, comments, letters, memorandums, or other documents that Western initiates or uses to develop the proposed MSTR, are available for inspection and copying at the Desert Southwest Customer Service Regional Office, located at 615 South 43rd Avenue, Phoenix, Arizona. Many of these documents and supporting information are also available on the DSW Web site at: <http://www.wapa.gov/dsw/pwrmt/MSTRP/MSTRP.htm>.

**Regulatory Procedure Requirements**

**Regulatory Flexibility Analysis**

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601, *et seq.*) requires Federal agencies to perform a regulatory flexibility analysis if a final rule is likely to have a significant economic impact on a substantial number of small entities, and there is a legal requirement to issue a general notice of proposed rulemaking. This action does not require a regulatory flexibility analysis since it is a rulemaking of particular applicability, involving rates or services applicable to public property.

**Environmental Compliance**

In compliance with the National Environmental Policy Act of 1969

(NEPA) (42 U.S.C. 4321, *et seq.*); Council On Environmental Quality Regulations (40 CFR 1500–1508); and DOE NEPA Regulations (10 CFR 1021), Western has determined that this action is categorically excluded from preparing an environmental assessment or an environmental impact statement.

#### Determination Under Executive Order 12866

Western has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance by the Office of Management and Budget is required.

#### Small Business Regulatory Enforcement Fairness Act

Western has determined that this rule is exempt from congressional notification requirements under 5 U.S.C. 801 because the action is a rulemaking of particular applicability relating to rates or services and involves matters of procedure.

Dated: June 7, 2004.

Michael S. HacsKaylo,  
Administrator.

[FR Doc. 04–14081 Filed 6–21–04; 8:45 am]

BILLING CODE 6450–01–P

#### ENVIRONMENTAL PROTECTION AGENCY

[FRL–7776–7]

#### Gulf of Mexico Program Citizens Advisory Committee Meeting

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

**ACTION:** Notice of meeting.

**SUMMARY:** Under the Federal Advisory Committee Act (Public Law 92–463), EPA gives notice of a meeting of the Gulf of Mexico Program (GMP) Citizens Advisory Committee (CAC).

**DATES:** The meeting will be held on Thursday, July 15, 2004, from 8:30 a.m. to 4:15 p.m.

**ADDRESSES:** The meeting will be held at the Embassy Suites, 315 Julia Street, New Orleans, LA 70130 (504–525–1993).

**FOR FURTHER INFORMATION CONTACT:**

Gloria D. Car, Designated Federal Officer, Gulf of Mexico Program Office, Mail Code EPA/GMPO, Stennis Space Center, MS 39529–6000 at (228) 688–2421.

**SUPPLEMENTARY INFORMATION:** The proposed agenda includes the following topics: EPA's Non-point Source Pollution Program; Master Farmer Program in Louisiana; Davis Pond

Freshwater Diversion Project; and the Chesapeake Bay Citizens Advisory Committee—Building Support.

The meeting is open to the public.

Dated: June 14, 2004.

Gloria D. Car,

Designated Federal Officer.

[FR Doc. 04–14089 Filed 6–21–04; 8:45 am]

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#### ENVIRONMENTAL PROTECTION AGENCY

[FRL–7776–9]

#### Science Advisory Board Staff Office, Clean Air Scientific Advisory Committee (CASAC); Notification of Advisory Committee Meeting of the CASAC Ambient Air Monitoring and Methods (AAMM) Subcommittee

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

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency Science Advisory Board (SAB) Staff Office announces a public meeting of the Clean Air Scientific Advisory Committee's (CASAC) Ambient Air Monitoring and Methods (AAMM) Subcommittee to conduct a consultation on methods for measuring coarse-fraction particulate matter (PM<sub>c</sub>) in ambient air, based upon performance evaluation field studies conducted by EPA.

**DATES:** July 22, 2004. The meeting will be held on July 22, 2004, from 8:30 a.m. to 5:30 p.m. (eastern time).

**ADDRESSES:** The meeting will take place at the EPA campus, Building C, in EPA's Main Auditorium (Room C111), 109 Alexander Drive, Research Triangle Park (RTP), North Carolina. A publicly-accessible teleconference line will be available for the entire meeting.

**FOR FURTHER INFORMATION CONTACT:** Any member of the public who wishes to obtain the teleconference call-in numbers and access codes; would like to submit written or brief oral comments (five minutes or less); or wants further information concerning this meeting, must contact Mr. Fred Butterfield, Designated Federal Officer (DFO), EPA Science Advisory Board (1400F), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; via telephone/voice mail: (202) 343–9994; fax: (202) 233–0643; or e-mail at: [butterfield.fred@epa.gov](mailto:butterfield.fred@epa.gov). General information concerning the CASAC or the Science Advisory Board can be found on the EPA Web site at: <http://www.epa.gov/sab>.

#### SUPPLEMENTARY INFORMATION:

#### CASAC and the AAMM Subcommittee

The CASAC, which comprises seven members appointed by the EPA Administrator, was established under section 109(d)(2) of the Clean Air Act (42 U.S.C. 7409) as an independent scientific advisory committee, in part to provide advice, information and recommendations on the scientific and technical aspects of issues related to air quality criteria and national ambient air quality standards (NAAQS) under sections 108 and 109 of the Act. The CASAC is a Federal advisory committee chartered under the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App.

The SAB Staff Office is forming the CASAC AAMM Subcommittee as a standing subcommittee to provide EPA, through the CASAC, with advice and recommendations, as necessary, on topical areas related to ambient air monitoring, methods and networks. A solicitation for nominees to form the new AAMM Subcommittee of the CASAC was published in the **Federal Register** on April 12, 2004 (69 FR 19180), and noted that nominees should be national and international experts in one or more of the following areas: (a) Atmospheric sciences and air quality simulation modeling; (b) human health effects and exposure assessment; (c) air quality measurement science; (d) ecological risk assessment; and (e) State, local agency or Tribal experience. The CASAC AAMM Subcommittee will report to the EPA Administrator through the CASAC, which is administratively located under the SAB Staff Office. The Subcommittee will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

#### Background

EPA's Office of Air Quality Planning and Standards (OAQPS), within EPA's Office of Air and Radiation, is seeking advice from the CASAC on methods for measuring coarse-fraction particulate matter in ambient air, should new PM<sub>c</sub> standards be established as a result of EPA's ongoing review of the NAAQS for particulate matter (PM). Measurement of PM<sub>c</sub> is intended to focus on those particles in the ambient air with a nominal diameter in the range of 2.5 to 10 micrometers (*i.e.*, the coarse fraction of PM<sub>10</sub>). The CASAC has provided peer review on PM<sub>c</sub> measurement methods on two previous occasions. The CASAC's former Technical Subcommittee on Particle Monitoring (which was previously known as the Technical Subcommittee on Fine Particle Monitoring) met on April 18–