

day period. Otherwise, a further notice will be issued ruling on any motion or motions filed within the 15 day period.

**Magalie Salas,**  
Secretary.

[FR Doc. E6-7697 Filed 5-19-06; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 2698-033—North Carolina]

#### **Duke Power Company LLC; East Fork Hydroelectric Project; Notice of Proposed Restricted Service List for a Programmatic Agreement for Managing Properties Included in or Eligible for Inclusion in the National Register of Historic Places**

May 12, 2006.

Rule 2010 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure provides that, to eliminate unnecessary expense or improve administrative efficiency, the Secretary may establish a restricted service list for a particular phase or issue in a proceeding.<sup>1</sup> The restricted service list should contain the names of persons on the service list who, in the judgment of the decisional authority establishing the list, are active participants with respect to the phase or issue in the proceeding for which the list is established.

The Commission staff is consulting with the North Carolina State Historic Preservation Officer (hereinafter, SHPO) and the Advisory Council on Historic Preservation (hereinafter, Council) pursuant to the Council's regulations, 36 CFR part 800, implementing section 106 of the National Historic Preservation Act, as amended, (16 U.S.C. 470 f), to prepare and execute a programmatic agreement for managing properties included in, or eligible for inclusion in, the National Register of Historic Places at the East Fork Hydroelectric Project No. 2698-033 (SHPO Reference Number ER03-2382).

The programmatic agreement, when executed by the Commission and the SHPO would satisfy the Commission's section 106 responsibilities for all individual undertakings carried out in accordance with the license until the license expires or is terminated (36 CFR 800.13(e)). The Commission's responsibilities pursuant to section 106 for the East Fork Project would be fulfilled through the programmatic

agreement, which the Commission proposes to draft in consultation with certain parties listed below. The executed programmatic agreement would be incorporated into any Order issuing a license.

Duke Power Company LLC, as licensee for Project No. 2698, the United States Forest Service, and the Eastern Band of Cherokee Indians have expressed an interest in this preceding and are invited to participate in consultations to develop the programmatic agreement.

For purposes of commenting on the programmatic agreement, we propose to restrict the service list for the aforementioned project as follows:

Don Klima or Representative, Advisory Council on Historic Preservation, The Old Post Office Building, Suite 803, 1100 Pennsylvania Avenue, NW., Washington, DC 20004.

Jennifer Huff or Representative, Duke Power, P.O. Box 1006, Mail Code EC12Y, Charlotte, NC 28201-1006.

Renee Gledhill-Earley, North Carolina Department of Cultural Resources, 4617 Mail Service Center, Raleigh, NC 27699-4617.

Eastern Band of Cherokee Indians, Attention: Tyler Howe, Qualla Boundary, P.O. Box 455, Cherokee, NC 28719.

Rodney Snedecker, United States Forest Service, P.O. Box 2750, Ashville, NC 28802.

Any person on the official service list for the above-captioned proceeding may request inclusion on the restricted service list, or may request that a restricted service list not be established, by filing a motion to that effect within 15 days of this notice date. In a request for inclusion, please identify the reason(s) why there is an interest to be included. Also please identify any concerns about historic properties, including Traditional Cultural Properties. If historic properties are to be identified within the motion, please use a separate page, and label it NON-PUBLIC Information.

An original and 8 copies of any such motion must be filed with Magalie Salas, the Secretary of the Commission (888 First Street, NE., Washington, DC 20426) and must be served on each person whose name appears on the official service list. Please put the project name "East Fork Project" and number "P-2698-033" on the front cover of any motion. If no such motions are filed, the restricted service list will be effective at the end of the 15 day period. Otherwise, a further notice will

be issued ruling on any motion or motions filed within the 15 day period.

**Magalie Salas,**  
Secretary.

[FR Doc. E6-7699 Filed 5-19-06; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8172-8]

### **Establishment of the Coastal Elevations and Sea Level Rise Advisory Committee**

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

**ACTION:** Notice; establishment of advisory committee.

**SUMMARY:** As required by section 9(a)(2) of the Federal Advisory Committee Act, we are giving notice that EPA is establishing the Coastal Elevations and Sea Level Rise Advisory Committee (CESLAC). The purpose of this Committee is to provide advice on the conduct of a study titled *Coastal Elevations and Sensitivity to Sea Level Rise* to be conducted as part of the U.S. Climate Change Science Program (CCSP). It is part of a comprehensive assessment of issues identified by the CCSP's *Strategic Plan for the Climate Change Science Program*. CESLAC will advise on the specific issues which should be addressed in the assessment, appropriate technical approaches, the nature of information relevant to decision makers, the content of the assessment report, and other scientific and technical matters that may be found to be important to the successful completion of the study. EPA has determined that this advisory committee is in the public interest and will assist the Agency in performing its duties under the Clean Water Act, Clean Air Act and the Global Climate Protection Act. Balanced membership will be achieved by including individuals from the Federal Government, State and/or local governments, the scientific community, non-governmental organizations and the private sector with expertise, experience, knowledge and interests essential to, or affected by, the successful completion of the study titled Coastal Elevations and Sensitivity to Sea Level Rise. Copies of the Committee Charter will be filed with the appropriate congressional committees and the Library of Congress.

**FOR FURTHER INFORMATION CONTACT:** Jack Fitzgerald (6207), Climate Change Division, Office of Atmospheric Programs, Environmental Protection

<sup>1</sup> 18 CFR 385.2010.

Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 343-9336; e-mail address: [Fitzgerald.jack@epa.gov](mailto:Fitzgerald.jack@epa.gov).

Dated: March 20, 2006.

**William L. Wehrum,**

*Acting Assistant Administrator, Office of Air and Radiation.*

[FR Doc. E6-7757 Filed 5-19-06; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8172-9]

### Draft Grant Guidelines for States and Draft Tribal Strategy; Solid Waste Disposal Act, Subtitle I, as Amended by Title XV, Subtitle B of the Energy Policy Act of 2005

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of availability.

**SUMMARY:** By this notice, the Environmental Protection Agency (EPA), Office of Underground Storage Tanks (OUST) is advising the public of the future availability of draft grant guidelines EPA is developing to help states comply with requirements for receiving funding under Subtitle I of the Solid Waste Disposal Act as established in Title XV, Subtitle B of the Energy Policy Act of 2005. EPA is asking the public to comment on the guidelines as they become available. EPA also is advising the public of the future availability of a draft tribal strategy to implement section 1529 of the Energy Policy Act of 2005, and asking for public comment as it becomes available. EPA encourages interested stakeholders to regularly check EPA's Web site at: [http://www.epa.gov/oust/fedlaws/epact\\_05.htm#Drafts](http://www.epa.gov/oust/fedlaws/epact_05.htm#Drafts) where we will post the draft guidelines and draft tribal strategy as they become available over the next three months. You also may send an e-mail to [OUST\\_Energy\\_Policy\\_Act\\_Email\\_List@epa.gov](mailto:OUST_Energy_Policy_Act_Email_List@epa.gov) requesting that we notify you when the drafts are posted on EPA's Web site.

**DATES:** The draft guidelines and draft tribal strategy will become available between May 22, 2006 and August 1, 2006.

**ADDRESSES:** EPA will post the draft guidelines and draft tribal strategy on our web site at: [http://www.epa.gov/oust/fedlaws/epact\\_05.htm#Drafts](http://www.epa.gov/oust/fedlaws/epact_05.htm#Drafts) as they become available over the next three months. You also may send an e-mail to [OUST\\_Energy\\_Policy\\_Act\\_Email\\_List@epa.gov](mailto:OUST_Energy_Policy_Act_Email_List@epa.gov) requesting that we notify you when the drafts are

posted on EPA's Web site. After the draft guidelines and tribal strategy are posted on EPA's Web site, paper copies will be available from the National Service Center for Environmental Publications (NSCEP), EPA's publications distribution warehouse upon request. You may request copies from NSCEP by calling 1-800-490-9198; writing to U.S. EPA/NSCEP, Box 42419, Cincinnati, OH 45242-0419; or faxing your request to NSCEP at 513-489-8695.

**FOR FURTHER INFORMATION CONTACT:** The EPA's Office of Underground Storage Tanks, (703) 603-9900.

**SUPPLEMENTARY INFORMATION:** On August 8, 2005, President Bush signed the Energy Policy Act of 2005. Title XV, Subtitle B of this act, entitled the Underground Storage Tank Compliance Act of 2005, contains amendments to Subtitle I of the Solid Waste Disposal Act, the original legislation that created the underground storage tank (UST) program. This is the first Federal legislative change for the UST program since its inception over 20 years ago. The UST provisions of the new law focus on preventing tank releases, will significantly affect federal and state underground storage tank programs, and will require major changes to the programs. Among other things, the UST provisions of the Energy Policy Act require that states receiving funding under Subtitle I comply with certain requirements contained in the law. OUST is working with its partners to develop grant guidelines which EPA regional tank programs will incorporate into states' grant agreements. The guidelines will provide states with specific requirements, based on the UST provisions of the Energy Policy Act, for their state underground storage tank programs.

To implement the new law, OUST, EPA regions, and states are working closely with tribes, other federal agencies, tank owners and operators, UST equipment industry, and other stakeholders to bring about the mandated changes affecting underground storage tank programs. Over the next few months, EPA will issue individual draft grant guidelines that contain information on requirements, as provided for in the UST provisions of the Energy Policy Act, such as: Fuel delivery prohibition; secondary containment; financial responsibility for tank installers and manufacturers; public record; and inspections. In addition, the UST provisions of the Energy Policy Act require that EPA, in coordination with Indian tribes, develop and implement a

strategy for implementing the UST program in Indian country.

The UST provisions of the Energy Policy Act require EPA implement some of the provisions by August 2006; other provisions will need to be implemented in subsequent years. Once the guidelines are issued and become effective, EPA regions will incorporate the guidelines in grant agreements between EPA and states. States receiving funds from EPA for their underground storage tank programs must comply with the UST provisions of the Energy Policy Act and will be subject to action by EPA under 40 CFR 31.43 if they fail to comply with the guidelines.

The Agency is providing the public with an opportunity to comment on these draft grant guidelines and draft tribal strategy by following the process specified below. As provided in 5 U.S.C. 553(a)(2), the grant guidelines are exempt from the notice and comment rule-making procedures. Consequently, EPA will not establish a public docket for comments and may not issue separate responses to comments when it issues the final guidelines and tribal strategy.

EPA encourages interested stakeholders to regularly check EPA's Web site at: [http://www.epa.gov/oust/fedlaws/epact\\_05.htm#Drafts](http://www.epa.gov/oust/fedlaws/epact_05.htm#Drafts) where we will post the draft guidelines and draft tribal strategy as they become available over the next three months. You may also send an e-mail to [OUST\\_Energy\\_Policy\\_Act\\_Email\\_List@epa.gov](mailto:OUST_Energy_Policy_Act_Email_List@epa.gov) requesting that we notify you when the drafts are posted on EPA's Web site. As each draft guideline and tribal strategy is posted on EPA's Web site, we will accept comments on each for 30 days. EPA's Web site will provide information about document availability and specific public comment periods. You may submit comments by e-mail, facsimile, or mail as described on EPA's Web site. After the draft guidelines and strategy are posted on EPA's Web site, paper copies will be available from NSCEP, EPA's publications distribution warehouse upon request. You may request copies from NSCEP by calling 1-800-490-9198; writing to U.S. EPA/NSCEP, Box 42419, Cincinnati, OH 45242-0419; or faxing your request to NSCEP at 513-489-8695.

After considering public comments, EPA will issue final grant guidelines which EPA regions will incorporate into states' grant agreements. EPA will also solicit comments on a draft strategy about tanks in Indian country and, after considering public comments, will issue a final strategy about tanks in Indian country.