

continuation of the grant would depend on the group's meeting the requirements of 34 CFR 75.253. Among other things, § 75.253 conditions continuation of a grant on the grantee's having made substantial progress toward meeting the objectives in its approved application. The grantee also would have to comply with any special conditions of the grant established by the Department in order to receive further continuation funding from the FY 2008 or any future appropriation.

The waivers of 34 CFR 75.250 and 75.261(c)(2) do not exempt the group from the account closing provisions of 31 U.S.C. 1552(a), nor would they extend the availability of funds previously awarded the group. Under 31 U.S.C. 1552(a), appropriations available for a limited period may be used for payment of valid obligations for only five years after the expiration of their period of availability for Federal obligation. After that time, the unexpended balance of those funds will be canceled and returned to the U.S. Treasury Department and will be unavailable for restoration for any purpose.

The Department believes that its waiver of regulations and continued funding of the group application is in the best interests of the members of the group application and the public interest.

#### Instructions for Requesting a Continuation Award Under EDGAR Part 75

Under applicable EDGAR provisions, a grantee wishing to receive an annual continuation grant must submit a performance report providing the most current performance and financial expenditure information on its project. A grantee must also submit a budget and budget narrative each year it requests a continuation award. (34 CFR 75.253(c)(2)). In addition, a grantee must submit a program narrative that describes the activities it intends to carry out with a continuation award. The activities described must be consistent with, or be a logical extension of, the scope, goals, and objectives of the grantee's approved application. (34 CFR 75.261(c)(3)). The Department will award a continuation grant each year only if the grantee submits a satisfactory performance report, budget and budget narrative, and program narrative.

#### Regulatory Flexibility Act Certification

The Secretary certifies that this notice of waiver will not have a significant economic impact on a substantial number of small entities. The only

entities that would be affected are American Samoa Community College; Guam Community College; Northern Marianas College, the grantee of the group; Ministry of Education Republic of Palau; and PREL.

#### Paperwork Reduction Act of 1995

This notice of waiver does not contain any information collection requirements.

#### Intergovernmental Review

This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism. The Executive Order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

#### Assessment of Educational Impact

Based on our own review, we have determined that this notice of waiver does not require transmission of information that any other agency or authority of the United States gathers or makes available.

#### Electronic Access to This Document

You can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: <http://www.ed.gov/news/fedregister>.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

**Note:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.gpoaccess.gov/nara/index.html>.

(Catalog of Federal Domestic Assistance Number: 84.002A Outlying Area portion of the State Grant Program)

**Program Authority:** 20 U.S.C. 9211(e).

Dated: August 7, 2008.

**Troy R. Justesen,**

*Assistant Secretary for Vocational and Adult Education.*

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## DEPARTMENT OF ENERGY

### Southwestern Power Administration

#### Notice of Re-Opening of Public Comment Period for White River Minimum Flows—Proposed Determination of Federal and Non-Federal Hydropower Impacts

**AGENCY:** Southwestern Power Administration, DOE.

**ACTION:** Notice of re-opening of public comment period.

**SUMMARY:** Southwestern Power Administration (Southwestern) is re-opening the public comment period on its proposed determination of the Federal and non-Federal hydropower impacts of the White River Minimum Flows project for an additional 45 days. The original notice, issued July 3, 2008, provided a 30-day comment period ending on August 4, 2008 (73 FR 38198). Southwestern is re-opening the comment period until September 18, 2008.

**DATES:** The public comment period closes on September 18, 2008. Written comments on Southwestern's proposed determination must be received by that date.

**ADDRESSES:** Comments should be submitted to George Robbins, Director, Division of Resources and Rates, Southwestern Power Administration, U.S. Department of Energy, One West Third Street, Tulsa, Oklahoma 74103.

**FOR FURTHER INFORMATION CONTACT:** Mr. George Robbins, Director, Division of Resources and Rates, (918) 595-6680, [george.robbs@swpa.gov](mailto:george.robbs@swpa.gov).

**SUPPLEMENTARY INFORMATION:** Southwestern's draft determination was published by **Federal Register** Notice (73 FR 6717) dated February 5, 2008. Written comments were invited through March 6, 2008. All public comments received were considered, and Southwestern's draft determination was revised as necessary to incorporate the public comments. Since there were significant changes to Southwestern's draft determination, Southwestern published a proposed determination for public review and comment prior to its final determination.

Southwestern's proposed determination was published by **Federal Register** Notice (73 FR 38198) dated July 3, 2008. Written comments were invited through August 4, 2008. Due to requests for additional time to provide public comments, Southwestern is re-opening the public comment period for 45 days. Written comments will now be accepted through September 18, 2008. Comments

submitted between August 4, 2008 and August 12, 2008 are deemed timely submitted.

Dated: August 4, 2008.

**Jon C. Worthington,**  
Administrator.

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## DEPARTMENT OF ENERGY

### Western Area Power Administration

#### Boulder Canyon Project

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

**ACTION:** Notice of Base Charge and Rates.

**SUMMARY:** The Deputy Secretary of Energy approved the Fiscal Year (FY) 2009 Base Charge and Rates (Rates) for Boulder Canyon Project (BCP) electric service provided by the Western Area Power Administration (Western). The Rates will provide sufficient revenue to pay all annual costs, including interest expense, and repay investments within the allowable period.

**DATES:** The Rates will be effective the first day of the first full billing period beginning on or after October 1, 2008. These Rates will stay in effect through September 30, 2009, or until superseded by other rates.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jack Murray, Rates Manager, Desert Southwest Customer Service Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005-6457, (602) 605-2442, e-mail [jmurray@wapa.gov](mailto:jmurray@wapa.gov).

**SUPPLEMENTARY INFORMATION:** Rate Schedule BCP-F7, Rate Order No. WAPA-120, effective October 1, 2005, through September 30, 2010, allows for an annual recalculation of the rates.<sup>1</sup>

Under Rate Schedule BCP-F7, the existing composite rate, effective on October 1, 2007, was 17.64 mills per kilowatt-hour (mills/kWh). The base charge was \$66,975,283, the energy rate was 8.82 mills/kWh, and the capacity rate was \$1.63 per kilowatt-month (kWmonth). The re-calculated rates for BCP electric service, to be effective October 1, 2008, will result in an overall composite rate of 18.62 mills/kWh. The proposed rates were calculated using the FY 2009 Final Ten-Year Operating Plan. This resulted in an increase of

approximately 5.56 percent when compared with the existing BCP electric service composite rate. The increase is due to a decrease in the projected energy sales and an increase in the annual revenue requirement. The FY 2009 base charge is increasing to \$70,213,497. The major contributing factor to the base charge increase is the increase in annual expenses. The FY 2009 energy rate of 9.31 mills/kWh is approximately a 5.56 percent increase from the existing energy rate of 8.82 mills/kWh. The increase in the energy rate is due to a decrease in the projected energy sales resulting from a decrease in projected water releases. The FY 2009 capacity rate of \$1.73/kWmonth reflects an increase of approximately 6.13 percent compared to the existing capacity rate of \$1.63/kWmonth. The increase in the capacity rate is due to dropping lake elevations. Another factor contributing to the increase in both the energy and capacity rates is the increase in the annual revenue requirement.

The following summarizes the steps taken by Western to ensure involvement of all Interested Parties in determining the Rates:

1. A **Federal Register** notice was published on February 1, 2008 (73 FR 6177), announcing the proposed rate adjustment process, initiating a public consultation and comment period, announcing public information and public comment forums, and presenting procedures for public participation.

2. On February 4, 2008, a letter was mailed from Western's Desert Southwest Customer Service Region to the BCP Contractors and other Interested Parties announcing an informal customer meeting and public information and comment forums.

3. Discussion of the proposed Rates was initiated at an informal BCP Contractor meeting held March 12, 2008, in Phoenix, Arizona. At this informal meeting, representatives from Western and the Bureau of Reclamation (Reclamation) explained the basis for estimates used to calculate the Rates and held a question and answer session.

4. At the public information forum held on April 2, 2008, in Phoenix, Arizona, Western and Reclamation representatives explained the proposed Rates for FY 2009 in greater detail and held a question and answer session.

5. A public comment forum held on April 23, 2008, in Phoenix, Arizona, provided the public an opportunity to comment for the record. Three individuals commented at this forum.

6. Western received one comment letter during the 90-day consultation and comment period. The consultation and comment period ended May 1,

2008. All comments were considered in developing the Rates for FY 2009.

Written comments were received from:

Irrigation & Electrical Districts Association of Arizona, Phoenix, Arizona.

Comments and responses, paraphrased for brevity when not affecting the meaning of the statements, are presented below.

#### Rates Stability

*Comment:* BCP Contractors expressed concern that the composite rate has increased from 8.93 mills/kWh in 2000 to 18.53 mills/kWh in 2009. The BCP Contractors further suggested that since major projects at Hoover which resulted in increased spending are complete and Lake Mead water levels continue to be low, Western and Reclamation should postpone expenditures where possible and strive to structure budgets in such a way to levelize or reduce rates.

*Response:* Western and Reclamation appreciate the BCP Contractors' concern over reduced generation and increased spending. Much of the increased spending is aimed toward maintaining the reliability of the Hoover resource and achieving maximum energy and capacity even as Lake Mead water levels decline. However, Western and Reclamation will continue to partner with the Hoover Contractors, through the Engineering and Operating Committee and the Technical Review Committee, to seek ways to structure budgets in such a way to minimize cost increases while maintaining the safe and reliable operation of the project.

#### Security Costs Legislation

*Comment:* An Interested Party made a statement with regard to Senate Bill S. 2739. Section 513 of that bill contains post-September 11, 2001, security cost legislation which specifies the amount of security costs which will be considered non-reimbursable. The Interested Party requested that Western and Reclamation adjust their budgets to account for the legislation.

*Response:* The President of The United States signed Senate Bill S.2739 into law on May 8, 2008 (Pub. L. 110-229). Reclamation will determine if any reimbursable costs in Section 513 will be deemed non-reimbursable under this new law. If the determination is made prior to the finalization of the rate package, Western will implement appropriate changes, if necessary to the FY 2009 Rates. If the determination is made after the rate package is finalized, then any security costs deemed non-reimbursable will roll into carry over, reducing FY 2010 Rates.

<sup>1</sup> WAPA-120 was approved by the Deputy Secretary of Energy on August 11, 2005 (70 FR ¶ 71280), and confirmed and approved by the Federal Energy Regulatory Commission (FERC) on a final basis on August 26, 2005, in Docket No. EF05-5091-000 (115 FERC ¶ 61362).