Statement of Policy on Intergovernmental Consultation in the Development of Regulations That Have Federalism Implications

I. Purpose

This Statement of Policy implements the requirement in section 6 of Executive Order 13132, ''Federalism,'' (64 FR 43255, Aug. 10, 1999), that each agency have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications. ''State and local officials'' means elected officials of State and local governments or their representative national organizations.

II. Applicability

This Statement of Policy applies to the development of any regulation that has federalism implications. A regulation has federalism implications if it has substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

III. Intergovernmental Consultation

When to begin. As early as possible in the development of a notice of proposed rulemaking, the responsible Secretarial Officer, in consultation with the General Counsel and the Principal Deputy Assistant Secretary for Congressional and Intergovernmental Affairs, should determine whether a proposed regulation has federalism implications. Upon determining that a proposed regulation has federalism implications, the Secretarial Officer responsible for the rulemaking should provide adequate notice to pertinent State and local officials.

Content of notice. The notice from the responsible Secretarial Officer to State and local officials should: (1) describe the nature and authority for the rulemaking; (2) give DOE's estimate of the effects on State and local governments of the regulatory options being considered for proposal, including whether they would impose direct compliance costs not funded by the Federal Government or would preempt State law; and (3) invite them to participate in the development of the regulation by participating in meetings or workshops with DOE or by presenting their views in writing on the likely effects of regulatory options being considered by DOE staff or legally available policy alternatives that they wish DOE to consider.

How to notify State officials. With respect to State governments, the Secretarial Officer should give actual notice by letter, using a mailing list maintained by the DOE Office of Intergovernmental and External Affairs that includes elected chief executives, the National Governors Association, the National Conference of State Legislatures, and the Council of State Governments.

How to notify local officials. With respect to local governments, the Secretarial Officer should give notice through the **Federal Register** and by letter to the Executive Director of the National League of Cities, the National Association of Counties, the U.S. Conference of Mayors, the International City/County Management Association, and any State Municipal League not represented by a national association. If a draft proposed regulation might have federalism implications in a limited area of the United States, then the Secretarial Officer, in consultation with the Office of Intergovernmental and External Affairs, should give actual notice by letter to appropriate local officials and the appropriate State Municipal League(s), if practicable.

Consultation. The timing, nature, and detail of the consultation with State and local officials should be appropriate to the nature of the regulation involved. In consultation with State and local officials, staff in the office of the Secretarial Officer responsible for the rulemaking and the Office of Intergovernmental and External Affairs should seek comment, as appropriate, on: (1) The need for Federal regulation; (2) compliance costs of regulatory options DOE is considering for proposal; (3) legally available policy alternatives; and (4) ways to avoid or minimize conflict between State law and Federally protected interests. If a rulemaking would impose an unfunded mandate or preempt State law, staff in the office of the Secretarial Officer responsible for the rulemaking and the Office of Intergovernmental and External Affairs must consult, to the extent practicable and permitted by law, with State and local officials early in the process of developing a notice of proposed rulemaking. Under Executive Order 13132, a regulation would impose an unfunded mandate if it has federalism implications; would impose substantial direct compliance costs on State and local governments; and is not required by statute.

Exemption from the Federal Advisory Committee Act. Secretarial Officers are encouraged to meet with State and local elected officials to exchange views, information, and advice concerning the implementation of intergovernmental responsibilities or administration. Section 204(b) of the Unfunded Mandates Act of 1995 (2 U.S.C. 1534(b)) exempts from the Federal Advisory Committee Act (5 U.S.C. App.) meetings for this purpose that do not include other members of the public.

Documenting compliance. The **SUPPLEMENTARY INFORMATION** section of any notice of proposed and final rulemaking that has federalism implications should describe DOE's determinations and intergovernmental consultation activities under Executive Order 13132. The **SUPPLEMENTARY INFORMATION** section of a notice of final rulemaking must include: (1) in a separately identified section, a ''federalism summary impact statement,'' and (2) the certification of compliance required by section 8(a) of Executive Order 13132. The federalism summary impact statement must include a description of DOE's prior consultation with State and local officials; a summary of the nature of State and local officials' concerns and DOE's position supporting the need to issue the regulation; and a statement of the extent to which the concerns of State and local officials have been met. If intergovernmental consultations precede the notice of proposed rulemaking, the **SUPPLEMENTARY INFORMATION** section of the notice of proposed rulemaking should include a preliminary federalism summary impact statement.

[FR Doc. 00–6206 Filed 3–13–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Science; Office of Science Financial Assistance Program Notice 00–11; Atmospheric Chemistry Program

AGENCY: U.S. Department of Energy.

ACTION: Notice inviting grant applications.

SUMMARY: The Office of Biological and Environmental Research (OBER) of the Office of Science (SC), U.S. Department of Energy (DOE), hereby announces its interest in receiving applications for participation in the Atmospheric Chemistry Program (ACP) Science Team. The research program supports the Department's Global Change Research Program, the U.S. Global Change Research Program, and the Administration's goals to understand atmospheric chemistry associated with air quality and climate change. Of particular interest are experimental and

theoretical studies of atmospheric chemistry processes affected by energy-related air pollutants, *e.g.,* sulfur oxides, nitrogen oxides, organic aerosols, and tropospheric ozone.

DATES: Formal applications in response to this Notice must be received by 4:30 p.m., E.D.T., May 3, 2000, to be accepted for merit review and to permit timely consideration for award in Fiscal Year 2001. Applications that are collaborative with or complementary to DOE laboratory proposals are strongly encouraged.

ADDRESSES: Formal applications referencing Program Notice 00–11 should be sent to: U.S. Department of Energy, Office of Science, Grants and Contracts Division, SC–64, 19901 Germantown Road, Germantown, MD 20874–1290, ATTN: Program Notice 00–11. This address must also be used when submitting applications by U.S. Postal Service Express Mail or any other commercial overnight delivery service, or when hand-carried by the applicant. An original and seven copies of the application must be submitted.

FOR FURTHER INFORMATION CONTACT: Peter Lunn, Environmental Sciences Division, SC–74, Office of Biological and Environmental Research, Office of Science, U.S. Department of Energy, 19901 Germantown Road, Germantown, MD 20874–1290, telephone: (301) 903–4819, E-mail: peter.lunn@science.doe.gov, fax: (301) 903–8519. The full text of Program Notice 00–11 is available via the Internet using the following web site address: http://www.sc.doe.gov/production/grants/grants.html

SUPPLEMENTARY INFORMATION:

Background

The goal of the overall Atmospheric Science Program of the Department of Energy (DOE) is to develop a comprehensive understanding of the atmospheric processes that control the transport, transformation, and fate of energy related chemicals and particulate matter. The drivers for the program include urban, regional, national, and global concerns for air quality, climate change (global warming), and other atmospheric issues related to energy policy. The current emphasis is upon urban and regional scales.

The objectives of the program are: (1) To improve understanding of the chemical and physical processes affecting energy related air pollutants such as sulfur and nitrogen oxides, and tropospheric ozone, including gas-to-particle conversion processes, and the deposition and resuspension of aerosols; (2) to improve understanding of the meteorological processes that control the dispersion and air chemistry of energy-related trace gases and particulate matter in or released to the atmosphere; and (3) to develop predictive models for the above processes and acquire the data to test them.

The overall Atmospheric Science Program consists of several closely-related science programs and facilities. Each program or activity includes scientist-participants from DOE laboratories, other federal laboratories, colleges and universities, and private industry. All research projects are fully peer reviewed.

The Atmospheric Chemistry Program (ACP)

This program focuses on regional, continental, and global scale research on energy related air pollutants, including: (a) Chemical transformations relating to tropospheric energy-related materials in the troposphere, (b) aerosol influences on air quality and climate forcing, and (c) origin, fate, and characterization of fine particles in the atmosphere. Activities include field measurement campaigns, laboratory studies, modeling, and instrument development. More information can be obtained via the ACP web site at http://www.atmos.anl.gov/ACP/.

The Environmental Meteorology Program (EMP)

This program focuses on the atmospheric transport of energy-related materials through specific and timely program components. Previous components include the Atmospheric Studies of Complex Terrain (ASCOT), the Mexico City Air Quality Study (MCAQS), and the Atmospheric Boundary Layer Experiment (ABLE). The current component and focus of EMP is the Vertical Transport and Mixing Program (VTMX). More information can be obtained via the VTMX web site at http://www.pnl.gov/VTMX/.

The NARSTO Program Office

The Atmospheric Science Program supports NARSTO (formerly known as the North American Research Strategy for Tropospheric Ozone). NARSTO is a public/private partnership, whose membership spans government, the utilities, industry, and academe throughout Mexico, the United States, and Canada. Recently the scope of interest has been broadened to include aerosols. More information can be obtained via the NARSTO web site at http://www.cgenv.com/Narsto.

The Research Aircraft Facility (RAF)

The Research Aircraft Facility consists of a Gulfstream 1 (G1) twin turboprop aircraft research facility, equipped by participating scientists for measurements in atmospheric chemistry, aerosols, turbulence, and radiant energy. The G1 is available to support ACP and EMP projects as well as related research endeavors by other agencies. More information can be obtained via the RAF web site at http://www.pnl.gov/atmos__sciences/as__g1.html.

The Tropospheric Aerosol Program (TAP)

This program is under development. More information can be obtained via the TAP web site at http://www.tap.bnl.gov.

This Announcement is specific to the Atmospheric Chemistry Program (ACP)

ACP is concerned primarily with the atmospheric chemistry of energy related pollutants. Collaborations are maintained with counterparts in other agencies, *e.g.,* EPA, NOAA, NSF, and NASA, as well as with other parts of DOE, *i.e.,* and programs concerned with environmental issues related to energy consumption and/or energy production.

Research applications are encouraged that demonstrate the continuity and progress of the DOE ACP during the 1997–2000 period (see research abstracts in http://www.atmos.anl.gov/ACP), *i.e.,* new work that builds upon on or complements previous ACP activities.

The objective of the ACP is to identify and understand the atmospheric processes that are key to anticipating and predicting the effects of energy-related emissions on air quality. This capability is needed by DOE for both short-range and long-range energy planning. Although ACP activities do not include research in human health or other biological sciences, those air quality issues that are related to human health and effects on ecosystems in the United States are currently of direct concern. Tropospheric processes are addressed that affect the amounts and geographic distribution of ozone, particulate matter, air toxics, and the associated precursors compounds near the surface of the Earth. Research is conducted by modeling, laboratory, and field studies. Analysis and publication of results, including those from past ACP field experiments, are an integral part of the ACP program.

Information on national issues that the DOE is addressing in coordination with other federal agencies can be found in several publications:

1. ''Rethinking the Ozone Problem in Urban and Regional Air Pollution'' by the Committee on Tropospheric Ozone Formation and Measurement of the National Research Council; ''Air Quality Research Subcommittee Strategic Plan'' by the Committee on Environment and Natural Resources of the National Science and Technology Council. http://www.nnic.noaa.gov/CENR/AQRS/Aqrs__sp.pdf.

2. ''Research Priorities for Airborne Particulate Matter: I. Immediate Priorities and a Long-Range Research Portfolio'' by the Committee on Research Priorities for Airborne Particulate Matter of the National Research Council.

3. ''Research Priorities for Airborne Particulate Matter: II. Evaluating Research Progress and Updating the Portfolio'' by the Committee on Research Priorities for Airborne Particulate Matter of the National Research Council.

4. ''Global Environmental Change, Research Pathways for the Next Decade'' by the Committee on Global Change Research of the National Research Council.

5. In addition, considerable information on current air quality issues involving ozone, aerosols, and volatile organic compounds can be found on the NARSTO web site http://www.cgenv.com/Narsto/.

Categories

This ACP Program Announcement consists of three categories. Prospective investigators should explicitly specify in the abstract what category or categories are addressed by the proposed research. Individuals or groups intending to participate in field experiments should describe what measurements they intend to make and what instruments will be used to make them, and what process information the measurements are intended to provide. Those intending to analyze data from one or more instruments or who will use data in numerical or conceptual modeling should specify what data are required for their purposes.

Category 1. *Oxidant Studies.* Research to evaluate the causes of spatial and temporal variations in tropospheric concentrations of ozone and other oxidants, especially for areas that experience non-attainment of U.S. ozone standards. Modeling, theoretical, and experimental efforts to address geographic regions having different mixes of atmospheric trace chemicals and atmospheric transport conditions are encouraged. Studies of nighttime as well as daytime chemistry involving oxidants are encouraged. Research may include the application and testing of numerical models to evaluate the causes of high ozone concentrations over regional and urban scales and to generalize findings.

Category 2. *Aerosol Studies.* Research in conjunction with ACP oxidant studies to evaluate causes of spatial and temporal variations of tropospheric aerosol chemical composition and concentrations, particularly with regard to national standards on particulate matter and visibility (and issues of concern to human health). Topics of interest include particle nucleation and growth, processes affecting chemical composition, interactions with water, and aerosol characterization emphasizing particle chemical composition as a function of particle size. Numerical models may be used to develop methods of estimating aerosol composition over regional and urban scales.

Category 3. *Heterogeneous Chemistry.* Research on heterogeneous processes that affect chemical rates of reactions involving oxidants, nitrogen oxides, volatile organic compounds, and sulfur oxides, and precursors in the troposphere and planetary boundary layer. Studies that lead to information important for evaluating, simulating, and predicting oxidant and particle concentrations and composition are particularly encouraged. Topics of interest include reactions of nitrogen oxides on organic aerosol surfaces, halogen atom-releasing surface reactions, interactions of gas-phase organic gases with aerosol surfaces, interactions of inorganic gases with organic surfaces, photochemistry at the surface and aqueous phase reactions.

Programmatic Issues

Experimental field campaigns may be carried out in collaboration with the DOE Atmospheric Radiation Measurement Program, the DOE Environmental Meteorology Program, and with other relevant programs supported by federal, state, and private agencies. Collaborative efforts contributing to NARSTO are encouraged. Collaborative use of the DOE Research Aircraft Facility is also encouraged.

Possible future field studies are listed at the ACP web site. A diversity of atmospheric conditions, some of which might exist outside the United States, needs to be addressed by ACP. In such studies, the dynamic atmospheric conditions that affect chemical reactions need to be considered. Air-surface exchange rates of gases and particles are sometimes an important component of the atmospheric budget of chemicals.

Modeling and laboratory experiments are important aspects of this research. Modeling studies devoted to interpretation and generalization of the experimental findings are particularly encouraged. Laboratory studies may include studies of the reactions of oxidant precursors, formation and distribution of product species, aerosol formation, and heterogeneous processes relevant to oxidant formation and loss in the atmosphere. Development and deployment of advanced field instrumentation to make surface and aircraft-based observations necessary for ACP field studies are encouraged.

Educational Opportunities

Opportunities exist for the financial support of undergraduate and graduate students wishing to participate in this program through the Department of Energy's Global Change Education Program. Information can be obtained at http://www.atmos.anl.gov/GCEP/.

Program Funding

It is anticipated that up to $2 million in first-year funding will be available for participation in the Atmospheric Chemistry Program. Multiple awards are expected to be made in Fiscal Year 2001 in the categories described above, contingent upon availability of appropriated funds. Applicants may request project support up to four years, with out-year support contingent on availability of appropriated funds, progress of the research, and programmatic needs. The number of awards and range of funding will depend on the number of applications received and selected for award. Typical annual budgets range from $60,000 to $200,000 in total costs. Some studies involving field measurements may have larger budgets.

Merit Review

Applications will be subjected to scientific merit review (peer review) and will be evaluated against the following evaluation criteria listed in descending order of importance as codified at 10 CFR 605.10(d):

1. Scientific and/or Technical Merit of the Project,

2. Appropriateness of the Proposed Method or Approach,

3. Competency of Applicant's Personnel and Adequacy of Proposed Resources,

4. Reasonableness and Appropriateness of the Proposed Budget.

The evaluation process will include program policy factors such as the relevance of the proposed research to the terms of the announcement and an

agency's programmatic needs. Note that external peer reviewers are selected with regard to both their scientific expertise and the absence of conflict-of-interest issues. Non-federal reviewers will often be used, and submission of an application constitutes agreement that this is acceptable to the investigator(s) and the submitting institution.

Information about the development and submission of applications, eligibility, limitations, evaluation, selection process, and other policies and procedures may be found in 10 CFR part 605, and in the Application Guide for the Office of Science Financial Assistance Program. Electronic access to the Guide and required forms is made available via the World Wide Web at http://www.sc.doe.gov/production/grants/grants.html. DOE is under no obligation to pay for any costs associated with the preparation or submission of applications if an award is not made.

The research project description must be 20 pages or less, exclusive of attachments and must contain a 1 or 2-page abstract or summary of the proposed research and a 1 or 2-page statement of relevance to the DOE and national interest. On the SC grant face page, form DOE F 4650.2, in block 15, also provide the PI's phone number, fax number, and E-mail address. Attachments must include curriculum vitae, a listing of all current and pending federal support, and letters of intent when collaborations are part of the proposed research. Applications should include detailed and justified budgets for each year of support requested. Lengthy application appendices are discouraged. Curriculum vitae should be submitted in a form similar to that of NIH or NSF (two to three pages), see for example: http://www.nsf.gov:80/bfa/cpo/gpg/fkit.htm#forms-9.

Although the required original and seven copies of the application must be submitted, researchers are asked to submit an electronic version of their abstract of the proposed research in ASCII format and their E-mail address to the Program Director for Atmospheric Sciences, Peter Lunn, by E-mail to peter.lunn@science.doe.gov.

The Catalog of Federal Domestic Assistance Number for this program is 81.049, and the solicitation control number is ERFAP 10 CFR part 605.

Issued in Washington, DC on March 10, 2000.

John Rodney Clark,

Associate Director of Science for Resource Management.

[FR Doc. 00–6205 Filed 3–13–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–210–000]

Cove Point LNG Limited Partnership; Notice of Proposed Changes in FERC Gas Tariff

March 8, 2000.

Take notice that on March 1, 2000, Cove Point LNG Limited Partnership (Cove Point) tendered for filing as part of its FERC Gas Tariff, First Revised volume No. 1 the following tariff sheet to become effective April 1, 2000.

Seventh Revised Sheet No. 7

Cove Point states that the listed tariff sheet sets forth the restatement and adjustment to its retainage percentages, pursuant to the Section 1.37 of the General Terms and Conditions of its FERC Gas Tariff, first Revised Volume No. 1.

Cove Point states that copies of the filing were served upon Cove Point's affected customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. 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 proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. this filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–6187 Filed 3–13–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00–104–000]

Distrigas of Massachusetts Corporation; Notice of Application

March 8, 2000.

Take notice that on February 28, 2000, Distrigas of Massachusetts Corporation (DOMAC), 75 State Street, 12th Floor, Boston, Massachusetts 02109, filed in Docket No. CP00–104–000, an application pursuant to Section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's Regulations, for a certificate of public convenience and necessity authorizing DOMAC to install, operate, and maintain facilities at its Everett, Massachusetts LNG Plant in order to recover natural gas vapor that is currently being vented to the atmosphere during LNG cargo transfer operations, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

DOMAC states that its existing vapor handling system adequately recovers the natural gas vapor that results from LNG storage. However, during cargo transfer, additional vapor is produced, causing approximately one percent of each LNG cargo to be vented to the atmosphere in order to maintain design pressure in the LNG tanks. DOMAC now seeks to recover this additional vapor by installing the proposed vapor recovery facilities, consisting of a turbo expander-driven compressor, a heat exchanger, a water pump, a meter, and associated interconnecting piping. DOMAC estimates that the proposed equipment will enable the yearly recovery of over 830,000 Mscf of vapor, which will be marketed. According to DOMAC, construction of the new facilities will conserve energy and reduce methane emissions. The estimated cost of the facilities is $7 million and will be financed from funds on hand.

DOMAC states that it is not proposing any cost-based recovery of the cost associated with this facility, therefore, its existing customers will not subsidize the project. Further, DOMAC asserts that its proposal will not have any adverse impacts on its existing customers, competing pipelines and their existing customers, third party landowners, or the surrounding community. Based on this, DOMAC states that its proposal is consistent with