

**8. Northern Indiana Public Service Company**

[Docket No. ER99-2560-000]

Take notice that on April 21, 1999, Northern Indiana Public Service Company (Northern Indiana), tendered for filing a Service Agreement pursuant to its Power Sales Tariff with Minnesota Power, Inc., (MP).

Northern Indiana has requested an effective date of April 19, 1999.

Copies of this filing have been sent to MP, to the Indiana Utility Regulatory Commission, and to the Indiana Office of Utility Consumer Counselor.

*Comment date:* May 11, 1999, in accordance with Standard Paragraph E at the end of this notice.

**9. Dayton Power and Light Company**

[Docket No. ER99-2561-000]

Take notice that on April 21, 1999, Dayton Power and Light Company (Dayton), tendered for filing service agreements establishing NorAm Energy Services, Inc., as a customer under the terms of Dayton's Market-Based Sales Tariff.

Dayton requests an effective date of one day subsequent to this filing for the service agreements. Accordingly, Dayton requests waiver of the Commission's notice requirements.

Copies of this filing were served upon NorAm Energy Services, Inc., and the Public Utilities Commission of Ohio.

*Comment date:* May 11, 1999, in accordance with Standard Paragraph E at the end of this notice.

**10. Allegheny Power Service Corp., on behalf of Monongahela Power Co., The Potomac Edison Company, and West Penn Power Company (Allegheny Power)**

[Docket No. ER99-2583-000]

Take notice that on April 21, 1999, Allegheny Power Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power), filed Supplement No. 50 to add PECO Energy Company—Power Team to Allegheny Power's Open Access Transmission Service Tariff which has been accepted for filing by the Federal Energy Regulatory Commission.

The proposed effective date under the Service Agreement is April 20, 1999.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission.

*Comment date:* May 11, 1999, in accordance with Standard Paragraph E at the end of this notice.

**11. Geysers Power Company LLC**

[Docket No. QF95-61-002]

Take notice that on April 21, 1999, Geysers Power Company, LLC, 50 West San Fernando Street, San Jose, California 95113 (Geysers Power), tendered for filing with the Federal Energy Regulatory Commission an application for recertification of a facility as a qualifying small power production facility pursuant to § 292.207(b) of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The facility is a 63 MW geothermal small power production facility located in The Geysers area of Sonoma County, California, and known as Calpine Geothermal Unit 9/10 (Facility). The Facility is being acquired by Geysers Power from Pacific Gas & Electric Company (PG&E). Geysers Power states that the purpose of this Application is to reflect proposed changes in the ownership of the Facility and to confirm the status of the Facility as a qualifying small power production facility and an eligible facility under the Solar, Wind, Waste And Geothermal Power Production Incentives Act of 1990.

The Facility is interconnected with PG&E. Geysers Power expects to sell power into the deregulated California electricity market. Standby, back-up and/or interruptible power will be purchased from PG&E.

*Comment date:* May 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

**Standard Paragraphs**

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest 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). All such motions or protests should be filed on or before the comment date. 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. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-222 for assistance).

[www.ferc.fed.us/online/rims.htm](http://www.ferc.fed.us/online/rims.htm) (call 202-208-222 for assistance).

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 99-11465 Filed 5-6-99; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-6337-7]

**Air Pollution Control; Proposed Action on Clean Air Act Grant to the Santa Barbara County Air Pollution Control District**

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

**ACTION:** Notice; proposed determination with request for comments and notice of opportunity for public hearing.

**SUMMARY:** The U.S. EPA has made a proposed determination under section 105(c) of the Clean Air Act (CAA) that a reduction in expenditures of non-Federal funds for the Santa Barbara County Air Pollution Control District (SBAPCD, or "District") in Santa Barbara, California is the result of a non-selective reduction in expenditures. This determination, when final, will permit the SBAPCD to be awarded financial assistance for FY-99 by EPA, under section 105(c) of the CAA.

**DATES:** Comments and/or requests for a public hearing must be received by EPA at the address stated below by June 7, 1999.

**ADDRESSES:** All comments and/or requests for a public hearing should be mailed to: Sara Bartholomew, Grants and Program Integration Office (AIR-8), Air Division, U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, California 94105-3901; FAX (415) 744-1076.

**FOR FURTHER INFORMATION CONTACT:** Sara Bartholomew, Grants and Program Integration Office (AIR-8), Air Division, U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, California 94105-3901 at (415) 744-1250.

**SUPPLEMENTARY INFORMATION:** Under the authority of section 105 of the CAA, EPA provides financial assistance (grants) to the SBAPCD to aid in the operation of its air pollution control programs. In FY-98, EPA awarded the SBAPCD \$422,000, which represented approximately 10% of the District's budget.

Section 105(c)(1) of the CAA, 42 U.S.C. 7405(c)(1), provides that "[n]o agency shall receive any grant under this section during any fiscal year when

its expenditures of non-Federal funds for recurrent expenditures for air pollution control programs will be less than its expenditures were for such programs during the preceding fiscal year. In order for [EPA] to award grants under this section in a timely manner each fiscal year, [EPA] shall compare an agency's prospective expenditure level to that of its second preceding year." EPA may still award financial assistance to an agency not meeting this requirement, however, if EPA, "after notice and opportunity for public hearing, determines that a reduction in expenditures is attributable to a non-selective reduction in the expenditures in the programs of all Executive branch agencies of the applicable unit of Government." CAA section 105(c)(2). These statutory requirements are repeated in EPA's implementing regulations at 40 CFR 35.210(a).

In its FY-99 section 105 application, SBAPCD projected expenditures of non-Federal funds for recurrent expenditures (or its maintenance of effort (MOE)) of \$3,285,988. This amount represents a shortfall of \$133,552 from the actual FY-98 MOE of \$3,419,540. In order for the District to be eligible to be awarded its FY-99 grant, EPA must make a determination under § 105(c)(2).

The SBAPCD is a single-purpose agency whose primary source of funding is permit fee revenue. Fees associated with permits issued by the SBAPCD go directly to the district to fund its operations. It is the "unit of Government" for section 105(c)(2) purposes. The SBAPCD submitted documentation to EPA which shows that air permit fee revenues have continued to decrease due to emission reductions from permitted sources and a decline in oil and gas activity. As a result, the SBAPCD's overall budget and its MOE decreased. The SBAPCD also submitted documentation to EPA which shows that the District lost 12.75 staff positions since FY97. These reductions in fees and staff have been non-selective in that all programs within SBAPCD have been impacted.

In summary, the SBAPCD's MOE reductions resulted from budget cuts stemming from a loss of fee revenues due to circumstances beyond the District's control. EPA proposes to determine that the SBAPCD's lower FY-99 MOE level meets the section 105(c)(2) criteria as resulting from a non-selective reduction of expenditures. Pursuant to 40 CFR 35.210, this determination will allow the SBAPCD to be awarded financial assistance for FY-99.

This document constitutes a request for public comment and an opportunity

for public hearing as required by the Clean Air Act. All written comments received by June 7, 1999 on this proposal will be considered. EPA will conduct a public hearing on this proposal only if a written request for such is received by EPA at the address above by June 7, 1999.

If no written request for a hearing is received, EPA will proceed to the final determination. While notice of the final determination will not be published in the **Federal Register**, copies of the determination can be obtained by sending a written request to Sara Bartholomew at the above address.

Dated: April 23, 1999.

**David P. Howekamp,**

*Director, Air Division, Region 9.*

[FR Doc. 99-11563 Filed 5-6-99; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-6242-4]

### Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared April 12, 1999 Through April 16, 1999 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564-7167.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 9, 1999 (64 FR 17362).

#### Draft EISs

ERP No. D-DOA-F36162-MN, Rating EC2, Snake River Watershed Plan, Watershed Protection and Flood Prevention, NPDES Permit and COE section 404 Permit, Marshall Pennington and Polk Counties, MN.

**Summary:** EPA expressed environmental concerns regarding alternatives, characterization of the affected environment, impacts to wetlands and waters of the United States, and mitigation. EPA requested that those issues be addressed in the final document.

ERP No. D-USA-G11036-AR, Rating EC2, Fort Chaffee Disposal and Reuse, Implementation, Ozark Mountains, Sebastian, Crawford, Franklin, Smith, Barling and Greenwood Counties, AR.

**Summary:** EPA had environmental concerns regarding potential wetland,

and landfill expansion impact. EPA requested that the final document provide additional information on these issues.

ERP No. DA-NOA-K91007-00, Rating EC2, Pacific Coast Salmon Plan (1997) for Amendment 14, Fishery Management Plan, Comprehensive Updating, Exclusive Economic Zone (EEZ), Off the Coasts of WA, OR and CA.

**Summary:** EPA requested addition information on hook-and release mortality assumptions, misidentification of harvestable fish and modelling limits.

#### Final EISs

ERP No. F-COE-K01008-CA, Santa Maria and Sisquoc Rivers Specific Plan, Mining and Reclamation Plans, (MRPs), Coast Rock Site and S.P. Milling Site, Conditional Use Permits, Approval of Reclamation Plans, and Section 404 Permits, Santa Barbara and San Luis Obispo County, CA.

**Summary:** The FEIS satisfactorily addressed EPA's previous objections. EPA requested that the mitigation measures described in the FEIS be included in the Corps' Record of Decision and as permit conditions in the Clean Water Act Section 404 permits for the proposed mining activities.

ERP No. F-SFW-K65115-CA, Headwaters Forest Acquisition and the Palco Sustained Yield Plan and Habitat Conservation Plan, Implementation, Humboldt, Del Norte and Mendocino Counties, CA.

**Summary:** EPA supports the proposed HCP, EPA remains concerned with the ability of the lead agencies to fully implement all commitments and with the precedent of permitting timber harvest at a level that exceeds growth for the first two decades. Since these watersheds are already over the cumulative effects threshold, EPA recommended reduced harvest levels or limitations on clearcutting.

ERP No. FC-NOA-L64015-AK, Groundfish Fishery of the Bering Sea and Aleutian Islands Area and Groundfish of the Gulf of Alaska, Implementation of Groundfish Total Allowable Catch Specifications and Prohibited Species Catch Limits Under the Authority of the Fishery Management Plans, AK.

**Summary:** EPA believes that NMFS was generally responsive to EPA's concerns at the DEIS stage. However, EPA continue to be concerned with the range of alternatives related to the "Total Allowable Catch" and the depth of discussion on impacts to Sensitive Species and Native Subsistence need.