

monitoring program, the Commission will continue to conduct audits on its own.

124. Northern Municipals argue that the Commission erred in refusing to amend its regulations to require pipelines to post the reasons for each selective discount granted and the benefits of the discount to captive customers. They state that if customers want to oppose a discount, they must know the reason for it. Northern Municipals state that attempting to analyze a pipeline's reasons for granting the discount in a later-filed rate case raises additional issues, including whether after-the-fact justification should be permitted and whether it is more difficult for the captive customers to eliminate discount adjustments for discounts that have already been provided to favored customers.

125. As explained in the May 31 Order, under section 284.13(b) of the Commission's regulations, pipelines are required to post on their Web site information concerning any discounted transactions, including the name of the shipper, the maximum rate, the rate actually charged, the volumes, receipt and delivery points, the duration of the contract, and information on any affiliation between the shipper and the pipeline. Further, section 358.5(d) of the regulations requires pipelines to post on their Web site any offer of a discount at the conclusion of negotiations contemporaneous with the time the offer is contractually binding. This information provides shippers and the Commission with the price transparency needed to make informed decisions and to monitor transactions for undue discrimination and preference. As the court stated in AGD I,<sup>85</sup> "the reporting system will enable the Commission to monitor behavior and to act promptly when it or another party detects behavior arguably falling under the bans of sections 4 and 5."

126. In determining whether a discount adjustment is appropriate in a rate case, the Commission determines whether the discount was required by competition at the time it was given. Thus, the competitive circumstances at the time of the discount are relevant and an "after-the-fact" justification that does not meet that standard would not support a discount adjustment. Nor would it be more difficult under this standard to "eliminate discount adjustments for discounts that have already been provided to favored customers." Therefore, the request for rehearing is denied. The Commission

will not change its informational posting requirements at this time.

#### *J. Proceeding To Investigate New Cost Allocation Methodologies*

127. Northern Municipals state that in the NOI the Commission requested comments on what alternative changes in the Commission's policy could be considered to minimize any adverse effects on captive customers. Northern Municipals state that in response, it requested that the Commission institute proceedings to investigate a new cost allocation methodology that would more fairly allocate the costs of the pipeline system in proportion to the benefits a shipper derives from the system. Northern Municipals state that the Commission erred in not addressing this issue and asks the Commission address its alternative proposal on rehearing.

128. Northern Municipals ask the Commission to consider and investigate a new approach to pipeline regulation that would mandate structural separation of the pipeline networks from their parent corporations and affiliates. Under Northern Municipals' proposal, the pipeline network would be independently financed, would have its own board of directors, and would have common carrier status. Further, Northern Municipals state that the Commission should utilize a cost allocation methodology that assigns the costs of the interstate pipeline network to customers in direct proportion to the benefits that they derive from the use of the network. Northern Municipals also ask the Commission to consider implementing an independent system operator (ISO) similar to that in the electric industry.

129. In the NOI, the Commission sought comments on what alternative changes in the Commission's discount adjustment policy could be considered to minimize any adverse effect on captive customers. The issues raised by Northern Municipals are beyond the scope of this proceeding<sup>86</sup> and the Commission will not address them here.

*The Commission orders:* The requests for rehearing are denied.

By the Commission. Commissioner Kelly dissenting in part with a separate statement attached.

**Magalie R. Salas,**

*Secretary.*

Kelly, Commissioner, *dissenting in part:*

As I stated in the underlying order in this proceeding,<sup>1</sup> I would have supported a requirement for pipelines to post on their Web sites the reasons for providing a selective discount to a particular shipper. Therefore, I respectfully dissent in part on this order.

Suede G. Kelly

[FR Doc. 05-23140 Filed 11-22-05; 8:45 am]

**BILLING CODE 6717-01-P**

## **ENVIRONMENTAL PROTECTION AGENCY**

**[RCRA-2005-0011; FRL-8000-2]**

### **Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Criteria for Classification of Solid Waste Disposal Facilities and Practices (Renewal), EPA ICR Number 1745.05, OMB Control Number 2050-0154**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. This ICR is scheduled to expire on November 30, 2005. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. This ICR describes the nature of the information collection and its estimated burden and cost.

**DATES:** Additional comments may be submitted on or before December 23, 2005.

**ADDRESSES:** Submit your comments, referencing docket ID number RCRA-2005-0011, to (1) EPA online using EDOCKET (our preferred method), by e-mail to [rcra-docket@epa.gov](mailto:rcra-docket@epa.gov), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 5303T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Craig Dufficy, Municipal and Industrial Solid Waste Division of the Office of

<sup>86</sup> Some of the proposals also appear to be beyond the scope of the Commission's authority to implement.

<sup>85</sup> 824 F.2d at 1009.

<sup>1</sup> *Policy for Selective Discounting By Natural Gas Pipelines*, 111 FERC§ 61,309 (2005).

Solid Waste, Mail Code 5306W, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 703-308-9037; fax number: 703-308-8686; e-mail address: [dufficy.craig@epa.gov](mailto:dufficy.craig@epa.gov).

**SUPPLEMENTARY INFORMATION:** EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On July 21, 2005 (70 FR 42061), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments.

EPA has established a public docket for this ICR under Docket ID No. RCRA-2005-0011, which is available for public viewing at the Office of Solid Waste and Emergency Response (OSWER) Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the OSWER Docket is (202) 566-0270. An electronic version of the public docket is available through EPA Dockets (EDOCKET) at <http://www.epa.gov/edocket>. Use EDOCKET to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID number identified above.

Any comments related to this ICR should be submitted to EPA and OMB within 30 days of this notice. EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EDOCKET as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose public disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EDOCKET. The entire printed comment, including the copyrighted material, will be available in the public docket. Although identified as an item in the official docket, information claimed as CBI, or whose disclosure is otherwise restricted by statute, is not included in the official public docket, and will not be available for public viewing in EDOCKET. For further information about the electronic docket, see EPA's **Federal Register** notice describing the electronic docket at 67 FR 38102 (May

31, 2002), or go to [www.epa.gov/edocket](http://www.epa.gov/edocket).

**Title:** Criteria for Classification of Solid Waste Disposal Facilities and Practices (Renewal).

**Abstract:** In order to effectively implement and enforce final changes to 40 CFR part 257, subpart B on a State level, owners/operators of construction and demolition waste landfills that receive conditionally exempt small quantity generator hazardous wastes will have to comply with the final reporting and recordkeeping requirements. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15. This continuing ICR documents the recordkeeping and reporting burdens associated with the location and ground-water monitoring provisions contained in 40 CFR part 257, subpart B.

The information consists of facility operating records about any Location Restrictions such as Floodplains or Wetlands as specified in Sections 257.8-257.9. In some cases waste disposal units may demonstrate that there is no potential for migration of hazardous constituents from the unit. Where the facility is small, arid, or remote, it may use alternative techniques such as placing documentation in the operating record to show that it has met the criteria.

In cases where there is no such exemption, affected facilities will establish Ground-Water Monitoring Systems, Detection Monitoring Programs, and Assessment of such programs. These requirements range from one-time recordkeeping and/or reporting to annual reporting. Where a facility believes that the Assessment has produced a False Positive, it may demonstrate that by means of annual reporting. Where needed, Corrective Actions include reports and operating records about Selection and Implementation of Remedies.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9 and are identified on the form and/or instrument, if applicable.

**Burden Statement:** The annual public reporting and recordkeeping burden for this collection of information is estimated to average 74 hours per response. Burden means the total time,

effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

**Respondents/Affected Entities:** Construction and demolition waste landfill owners/operators and State Agencies.

**Estimated Number of Respondents:** 183.

**Frequency of Response:** On occasion.

**Estimated Total Annual Hour Burden:** 13,581 hours.

**Estimated Total Annual Cost:** \$1,577,659, which includes \$640,967 annualized capital expense, \$936,692 O&M costs, and \$471,724 Labor costs for Respondents and States.

**Changes in the Estimates:** There is a increase of 3,906 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This increase is due to the increase in the number of new construction & demolition waste disposal facilities that has occurred since the last renewal during the period of time from December 1, 2002 until November 30, 2005.

Dated: November 15, 2005.

**Joseph A. Sierra,**

*Acting Director, Collection Strategies Division.*

[FR Doc. 05-23217 Filed 11-22-05; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[OECA-2005-0029; FRL-8000-4]

**Agency Information Collection Activities; Submission for OMB Review and Approval; Comment Request; NSPS for Municipal Solid Waste Landfills (Renewal), ICR Number 1557.06, OMB Number 2060-0220**

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

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act, this