

7101, *et seq.*) and the Reclamation Act of 1902 (43 U.S.C. 371, *et seq.*), as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Project Act of 1939, 43 U.S.C. 485h(c) and section 8 of the Act of August 31, 1964, 16 U.S.C. 837g, the Colorado River Basin Project Act of 1968 (43 U.S.C. 1501, *et seq.*), the Colorado River Storage Project Act (43 U.S.C. 620, *et seq.*), the Boulder Canyon Project Act (43 U.S.C. 617, *et seq.*), the Boulder Canyon Project Adjustment Act (43 U.S.C. 618, *et seq.*), the Hoover Power Plant Act of 1984 (43 U.S.C. 619, *et seq.*), the General Regulations for Power Generation, Operation, Maintenance, and Replacement at the BCP, Arizona/Nevada (43 CFR part 431) published in the **Federal Register** (51 FR 23960) on July 1, 1986, and the General Regulations for the Charges for the Sale of Power from the BCP, Final Rule (10 CFR part 904) published in the **Federal Register** (50 FR 37837) on September 18, 1985, and the DOE financial reporting policies, procedures, and methodology (DOE Order No. RA 6120.2, dated September 20, 1979).

Both a public information forum and a public comment forum will be held. After considering public comments, Western will recommend a proposed base charge and rates to be approved on an interim basis by the Deputy Secretary.

### Regulatory Procedural Requirements

#### *Regulatory Flexibility Analysis*

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601, *et seq.*) requires Federal agencies to perform a regulatory flexibility analysis if a final rule is likely to have a significant economic impact on a substantial number of small entities and there is a legal requirement to issue a general notice of proposed rulemaking. Western has determined that this action does not require a regulatory flexibility analysis since it applies to rates or services applicable to public property.

#### *Environmental Compliance*

In compliance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321, *et seq.*); Council On Environmental Quality Regulations (40 CFR parts 1500–1508); and DOE NEPA Regulations (10 CFR part 1021), Western has determined that this action is categorically excluded from the preparation of an environmental assessment or an environmental impact statement.

#### *Determination Under Executive Order 12866*

Western has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by the Office of Management and Budget is required.

#### *Small Business Regulatory Enforcement Fairness Act*

Western has determined that this rule is exempt from congressional notification requirements under 5 U.S.C. 801 because the action is a rulemaking of particular applicability relating to rates or services and involves matters of procedure.

Dated: February 25, 2000.

**Michael S. Hacskaylo,**

*Administrator.*

[FR Doc. 00–5947 Filed 3–9–00; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6251–9]

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

Comments Availability of EPA comments prepared February 21, 2000 through February 25, 2000 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 09, 1999 (63 FR 17856).

#### **Draft EISs**

ERP No. D–COE–F39039–00 Rating EO2, John T. Myers and Greenup Lock Improvements, To Alleviate Commercial Navigation Traffic Congestion, Ohio River Mainstem Systems Study, (ORMSS), Interim Feasibility Report, Indiana, Kentucky and Ohio.

*Summary:* EPA expressed environmental objections based on issues with how the project purpose and need was formulated, the apparent phased approach to NEPA compliance, the lack of cumulative impact analysis, inadequate mitigation and the need for additional analysis of the sediment quality.

ERP No. D–SFW–L65334–WA Rating LO, Simpson Washington Timberlands Forest Management and Timber Harvesting Project, Proposed Issuing of a Multiple Species Incidental Take

Permit, Mason, Thurston and Gray Harbor Counties, WA.

*Summary:* EPA had no objections to the proposed action.

#### **Final EISs**

ERP No. F–FRC–E03008–00 Florida Gas Transmission Phase IV Expansion Project (Docket No. CP99–94–000), To Deliver Natural Gas to Electric Generator, FL and MS.

*Summary:* EPA expressed concerns over the proposed conversion of forested wetlands to herbaceous wetlands and other impacts associated with pipeline placement, including induced growth associated with the project. EPA also expressed concerns over the lack of information regarding potential environmental justice issues.

ERP No. RF–OSM–A01102–00 Valid Existing Rights—Proposed Revisions to the Permanent Program Regulations Implementing Section 522(E) of the Surface Mining Control and Reclamation Act of 1977 and Proposed Rulemaking Clarifying the Applicability of Section 522(E) to Subsidence from Underground Mining.

*Summary:* The final EIS and rule have adequately addressed EPA's concerns on the air quality analysis, impacts to water quality and environmental justice.

#### **Regulations**

ERP No. R–AFS–A65166–00 National Forest Service System Land and Resource Management Planning: Proposed Rule 36 CFR Parts 217 and 219.

*Summary:* EPA was pleased to see that the Forest Service used the recommendations given by the Committee of Scientists as a corner stone of the planning process, especially ecological sustainability, the principles of ecosystem management and requirements for implementation, monitoring and evaluation. EPA also believes that the proposed rule attempts to simplify planning process; reduce burdensome and costly procedural requirements and strengthen relationships with the public, States, Tribes and other government agencies. EPA requests that the final rule supply additional information on issues related to implementation of pre-decisional appeals, monitoring, terms and definitions sustainability and species viability.

Dated: March 6, 2000.

**B. Katherine Biggs,**

*Associate Director, NEPA Compliance Division, Office of Federal Activities.*

[FR Doc. 00–5929 Filed 3–9–00; 8:45 am]

**BILLING CODE 6560–50–U**