

power factor dropped below 95 percent lagging.

#### **Rate Schedule EE-05<sup>1</sup> Wholesale Rate for Excess Energy**

##### *Effective*

During the period February 1, 2006, through September 30, 2009, in accordance with Rate Order No. SWPA-53 issued by the Deputy Secretary of Energy on February 1, 2006.

##### *Available*

In the marketing area of Southwestern Power Administration (Southwestern), described generally as the States of Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas.

##### *Applicable*

To electric utilities which, by contract, may purchase Excess Energy from Southwestern.

##### *Character and Conditions of Service*

Three-phase, alternating current, delivered at approximately 60 Hertz, at the nominal voltage and points of delivery specified by contract.

##### *Energy Associated With This Rate Schedule*

Excess Energy will be furnished at such times and in such amounts as Southwestern determines to be available.

##### *Transmission and Related Ancillary Services*

Transmission service for the delivery of Excess Energy shall be the sole responsibility of such customer purchasing Excess Energy.

##### *Rate for Excess Energy*

Energy Charge: \$0.0055 per kilowatthour.

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#### **ENVIRONMENTAL PROTECTION AGENCY**

[WA-06-001, FRL-8031-6]

#### **Procedures for Determining Localized Carbon Monoxide Concentrations (Hot-Spot Analysis) for Transportation Conformity Under the Clean Air Act in Washington State**

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that EPA, in accordance with the regulations

has approved a 'different procedure' submitted on November 7, 2005 for determining localized carbon monoxide (CO) concentrations (hot-spot analysis) for Transportation Conformity under the Clean Air Act in Washington State.

##### **FOR FURTHER INFORMATION CONTACT:**

Wayne Elson, U.S. EPA, Region 10 (AWT-107), 1200 Sixth Ave., Seattle, WA 98101; (206) 553-1463 or [elson.wayne@epa.gov](mailto:elson.wayne@epa.gov), or Mia Waters, Washington State Department of Transportation, 15700 Dayton Avenue North, PO Box 330310, Seattle, WA 98133; (206) 440-4541 or [WatersY@wsdot.wa.gov](mailto:WatersY@wsdot.wa.gov).

**SUPPLEMENTARY INFORMATION:** This is a notice of EPA's approval of the Washington State Intersection Screening Tool (WASIST) for carbon monoxide (CO) concentrations (hot-spot analysis) for Transportation Conformity under the Clean Air Act in Washington State submitted by the Washington State Department of Transportation on November 7, 2005. This 'different procedure' was developed through the interagency consultation process and is consistent with 40 CFR 93.105. The basis for this approval is provided by 40 CFR 93.123 (a)(1). A letter approving WASIST was sent to Washington State Department of Transportation on February 2, 2006. The purpose of WASIST is to provide a different procedure to ensure that highway projects in Washington state will not cause or contribute to any new localized CO violations or increase the frequency or severity of any existing CO violations in CO nonattainment and maintenance areas consistent with 40 CFR 93.116. This different procedure will result in a substantial cost savings to governments in Washington when making project level CO hot-spot transportation conformity demonstrations for highway projects.

**Authority:** 42 U.S.C. 7401-7671q.

Dated: February 6, 2006.

**L. Michael Bogert,**

*Regional Administrator, Region 10.*

[FR Doc. E6-2051 Filed 2-13-06; 8:45 am]

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#### **ENVIRONMENTAL PROTECTION AGENCY**

[FRL-8029-1]

#### **Proposed Agreement and Covenant Not To Sue Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as Amended by the Superfund Amendments and Reauthorization Act of 1986; In Re: Davenport and Flagstaff Smelters Superfund Site, Operable Unit Number Three, Salt Lake County, UT**

**ACTION:** Notice of proposed agreement; request for public comment.

**SUMMARY:** In accordance with the Comprehensive Environmental Response Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9601, et. seq., notice is hereby given of a proposed Agreement and Covenant Not to Sue ("Agreement") between the United States, on behalf of the U.S. Environmental Protection Agency ("EPA"), and L.C. Canyon Partners, LLC ("Settling Respondent"). Under the Proposed Agreement, Settling Respondent agrees to pay past costs, oversight costs, and to conduct a removal action defined in the enforcement action memorandum consisting primarily of the development of remediated portions of the property being purchased by Settling Respondent into single-family home sites. In addition, Settling Respondent agrees to provide access to representatives of EPA and the State of Utah. In exchange for this consideration, EPA will grant Settling Respondent a covenant not to sue for existing contamination. Additionally, Settling Respondent will be entitled to contribution protection for "matters addressed" in the Agreement.

For thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to the Agreement. EPA will consider all comments received and may modify or withdraw its consent to the Agreement if comments received disclose facts or considerations that indicate that the Agreement is inappropriate, improper, or inadequate. The proposed Agreement, as well as EPA's response to any comments received will be available for public inspection in the administrative record held at the Superfund Record Center, 999 18th Street, Suite 300, Denver, CO. During the public comment period, the Agreement (without exhibits) may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>.

<sup>1</sup> Supersedes Rate Schedule EE-04.