Independence Avenue, SW., Washington, DC 20585; Telephone (202) 586- 2802.

SUPPLEMENTARY INFORMATION: 35 U.S.C. 207 authorizes licensing of Government-owned inventions. Implementing regulations are contained in 37 CFR Part 404. 37 CFR 404.7(a)(1) authorizes exclusive licensing of Government-owned inventions under certain circumstances, provided that notice of the invention's availability for license has been announced in the Federal Register.

Issued in Washington, DC, on January 22, 1996.

Agnes P. Dover,

Deputy General Counsel for Technology Transfer and Procurement.

[FR Doc. 96–1396 Filed 1–25–96; 8:45 am]

BILLING CODE 6450–01–P

Western Area Power Administration

Central Valley Project, National Defense Authorization Act Power Allocation

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of Availability.

SUMMARY: The Western Area Power Administration (Western), a Federal Power Marketing Administration of the Department of Energy (DOE), announces the availability of 17.0 megawatts (MW) of power under Section 2929 of the National Defense Authorization Act for Fiscal Year 1994 (Pub. L. 103–160, 107 Stat. 1547, 1935 (1993)) (NDA Act). The power will be allocated under the Final NDA Act Procedures (Procedures). The Procedures were developed by Western and published in 59 FR 61604, December 1, 1994, to fulfill the requirements of the NDA Act.

DATES: This additional 17 MW of NDA Act power will be allocated pursuant to the Procedures beginning on February 26, 1996. As stated in the procedures, applications from eligible entities requesting NDA Act Power from Western are being accepted up to November 30, 2003. Requests shall be considered on a first-come, first-served basis consistent with the general allocation and contract principle of the Procedures.

ADDRESSES: Information regarding the availability of NDA Act Power, and a copy of the Procedures, are available for public inspection and copying at Western's Sierra Nevada Regional Office located at 114 Parkshore Drive, Folsom, California 95630.

FOR FURTHER INFORMATION CONTACT: Zola M. Jackson, Power Marketing Manager, Sierra Nevada Customer Service Regional Office, Western Area Power Administration, 114 Parkshore Drive, Folsom, California 95630–4710, (916) 353–4421.

SUPPLEMENTARY INFORMATION:

Background

The NDA Act was signed into public law on November 30, 1993. The Procedures, published in 59 FR 61604, on December 1, 1994, explain the process developed by Western to implement the NDA Act. The Procedures identify power classified as NDA Act Power and the types of services and contracts offered. Also set forth under the Procedures are the general eligibility criteria to be applied to all applicants requesting an allocation of NDA Act Power. The Procedures also address the process to be used by applicants when applying for NDA Act Power, which includes demonstration that certain economic development criteria are being met for closed military bases.

Section 2929 of the NDA Act provides that, for a 10-year period beginning on November 30, 1993, the electric power allocations provided as of November 30, 1993, by Western from the Central Valley Project (CVP) to military installations in the State of California that have been closed or approved for closure pursuant to the Defense Base Closure and Realignment Act of 1990 (Title XXIX of Pub. L. 101–510; 104 Stat. 1808) (1990 Act) shall be reserved for sale through long-term contracts to preference entities that agree to use such power to promote economic development at a military installation that is closed or approved for closure pursuant to the 1990 Act. To the extent power reserved by the NDA Act is not disposed of through long-term contracts, it shall be made available on a temporary basis beginning November 30, 1993, for a 10-year period to military installations in the State of California through short-term contracts. By implementing the Procedures, Western established the criteria to allocate the power made available as a result of the NDA Act.

As of the date of this publication, McClellan Air Force Base, a military installation with a CVP contract rate of delivery, is scheduled to close pursuant to the 1990 Act. Western is providing notice that in addition to the 34.209 MW already made available for allocation under 59 FR 61604, that 17.0 MW is available for allocation as NDA Act Power to entities qualifying pursuant to the final NDA Act Procedures on a first-come, first-served basis beginning 30 days after publication of this Federal Register. Interested parties may contact Western at the address and telephone listed in this Federal Register for more information.

Military installation	Long-term firm power	Type III withdrawable	Total
McClellan Air Force Base, McClellan AFB, CA	15.094	1.906	17.0
TOTAL .	15.094	1.906	17.0

Regulatory Procedure Requirements

Environmental Compliance: The National Environmental Policy Act (NEPA) of 1969, 42 U.S.C. 4321 *et seq.*, and implementing regulations issued by the Council on Environmental Quality, 40 C.F.R. 1500 *et seq.*, and the Department of Energy, 10 C.F.R. 1021, require that the environmental effects of agency decisions be studied and considered by decision makers. Studies were made to determine whether there were significant impacts to the environment as a result of the original allocation of the power to the military installations. These studies and analyses were included in the Revised Environmental Assessment for the Sacramento Area Office, Western Area Power Administration, 1994 Power Marketing Plan (DOE/EA–0467, Revised August, 1992) and related Finding of No Significant Impact. Pursuant to Western's proposal to implement the requirements of Section 2929 of the National Defense Authorization Act, Western determined that the preparation of an environmental impact statement was not required and issued a FONSI on April 12, 1995. This current announcement of available NDA Act Power, under the Procedures, involves the same 529 MW of Power previously analyzed and addressed in the 1994 Power Marketing Plan EA, as well as the April 12, 1995, FONSI and therefore will require no further NEPA documentation.

Issued at Golden, Colorado, January 12, 1995.

J. M. Shafer,

Administrator.

[FR Doc. 96–1395 Filed 1–25–96; 8:45 am]

BILLING CODE 6450–01–P

Office of General Counsel

Unfunded Mandates Reform Act; Intergovernmental Consultation

AGENCY: Department of Energy.

ACTION: Notice of proposed statement of policy.

SUMMARY: The Department of Energy (DOE) is publishing for public comment a proposed statement of policy on intergovernmental consultation under the Unfunded Mandates Reform Act of 1995. DOE's proposed policy reflects the guidelines and instructions that the Director of the Office of Management and Budget (OMB) provided to each agency to develop, with input from State, local, and tribal officials, an intergovernmental consultation process with regard to significant intergovernmental mandates contained in a notice of proposed rulemaking.

DATES: Comments on this proposed statement of policy are due on or before March 26, 1996.

ADDRESSES: Comments may be submitted to the Office of the Assistant General Counsel for Regulatory Law (GC–74), U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: Steve Duarte, Office of the Assistant General Counsel for Regulatory Law, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 586–9507.

SUPPLEMENTARY INFORMATION: The President signed the Unfunded Mandates Reform Act of 1995 (the Act) into law as Public Law 104–4 on March 22, 1995. Section 204(a) of the Act requires each agency to develop, to the extent permitted by law, an effective process to permit timely input by elected officers (or their designees) of State, local, and tribal governments in the development of a regulatory proposal containing a proposed ''significant intergovernmental mandate'' that is not a requirement specifically set forth in law. 2 U.S.C. 1531, 1534(a). A ''significant intergovernmental mandate'' under the Act is any provision in a Federal agency regulation that: (1) Would impose an enforceable duty upon State, local, or tribal governments (except as a condition of Federal assistance); and (2) may result in the expenditure by State, local, and tribal governments, in the aggregate, of $100 million (adjusted annually for inflation) in any one year. *See* 2 U.S.C. 658(5)(A)(i), 1532(a).

Section 204(b) of the Act excepts intergovernmental communications in certain circumstances from the requirements of the Federal Advisory Committee Act. 5 U.S.C. App. Those circumstances involve meetings: (1) Exclusively between Federal officials and State, local, or tribal elected officials or their designees; and (2) solely for the purposes of exchanging views, information, or advice relating to Federal programs established pursuant to a statute that explicitly or inherently provides for sharing intergovernmental responsibilities or administration. 2 U.S.C. 1534(b).

Section 204(c) of the Act requires the President to issue guidelines and instructions for implementing section 204 (a) and (b). 2 U.S.C. 1534(c). He delegated this authority to the Director of OMB, who published guidelines and instructions on September 29, 1995. 60 FR 50651.

Paragraph I of the OMB guidelines and instructions provides for each agency to develop, in consultation with State, local, and tribal governments, the intergovernmental consultation process under section 204(a) of the Act. Paragraph I further calls for agencies to develop the process by making a proposal for comment by State, local, and tribal governments. Accordingly, DOE is sending copies of today's proposed statement of policy to a list of elected State and tribal officials and of associations representing State, local, and tribal governments compiled by the DOE Office of Intergovernmental and External Affairs. To ensure that all such officials have the opportunity to participate and because there may be wider interest in DOE's process for intergovernmental consultation under the Act, DOE today is publishing for public comment its proposed policy regarding such consultation.

Section 203 of the Act supplements section 204(a). 2 U.S.C. 1533. It requires that, prior to establishing regulatory requirements that might significantly or uniquely affect small governments, the agency shall have developed a plan that, among other things, provides for notice to potentially affected small governments, if any, and for a meaningful and timely opportunity to provide input in the development of regulatory proposals. The Act defines ''small government'' to mean any small governmental jurisdiction defined in the Regulatory Flexibility Act, 5 U.S.C. 601(5), and any tribal government. 2 U.S.C. 658(11).

Both the Act and the OMB guidelines and instructions appear to assume that agencies must make affirmative efforts to notify State, local, and tribal officials in addition to publishing a notice of proposed rulemaking in the Federal Register. Today's proposed statement of policy describes the extent and content of pre-proposal notice and opportunity to consult.

The proposed policy differentiates between State and tribal elected officials (or their designees) on the one hand and local elected officials (or their designees) on the other. DOE will attempt to send notices to the former, but the latter are so numerous that DOE proposes to give notice through appropriate associations who represent local governments and through the Federal Register.

The Act requires agencies to estimate the dollar impact of prospective Federal mandates to determine whether they exceed the $100 million threshold, and therefore warrant full compliance with the intergovernmental consultation and other requirements. The Act requires adjustment of the $100 million figure for inflation in years after 1995, but it is silent on how to adjust for inflation. Similarly, it is silent on whether and how to adjust estimated future expenditures for the time value of money. Under the proposed policy, DOE would adjust for inflation using the figures provided in the Annual Report of the President's Council of Economic Advisers, and discount to present value using OMB Circular A–94 which currently provides for 7 percent as a discount rate for government-wide use.

State, local and tribal officials, as well as members of the public, are invited to provide comment on the adequacy and practicability of the proposed policy.

Issued in Washington, D.C., on January 19, 1996.

Robert R. Nordhaus,

General Counsel.

On the basis of the foregoing, DOE proposes the following Statement of Policy:

Statement of Policy on the Process for Intergovernmental Consultation Under the Unfunded Mandates Reform Act of 1995

I. Purpose

This Statement of Policy implements sections 203 and 204 of the Unfunded Mandates Reform Act of 1995 (Act), 2 U.S.C. 1533, 1534, consistent with the guidelines and instructions of the Director of the Office of Management and Budget (OMB).

II. Applicability

This Statement of Policy applies to the development of any regulation (other than a regulation for a financial assistance program) containing a significant intergovernmental mandate under the Act. A significant

intergovernmental mandate is a mandate that: (1) Would impose an enforceable duty upon State, local, or tribal governments (except as a condition of Federal assistance); and (2) may result in the expenditure by State, local, and tribal governments, in the aggregate, of $100 million (adjusted annually for inflation) in any one year. DOE officials may apply this Statement of Policy selectively if there is an exigent need for immediate agency action that would warrant waiver of prior notice and opportunity for public comment under the Administrative Procedure Act, 5 U.S.C. 553.

III. Intergovernmental Consultation

When to begin. As early as possible in the development of a notice of proposed rulemaking (for other than a financial assistance program) that involves an enforceable duty on State, local, or tribal governments, the responsible Secretarial Officer, with the concurrence of the General Counsel, should estimate whether the aggregate compliance expenditures will be in the amount of $100 million or more in any one year. In making such an estimate, the Secretarial Officer should adjust the $100 million figure in years after 1995 using the rate of inflation in the Annual Report of the President's Council of Economic Advisers and should discount estimated future expenditures to present value using the discount rate under OMB Circular A–94.

Content of notice. Upon determining that a proposed regulatory mandate on State, local, or tribal governments may be a significant intergovernmental mandate, the Secretarial Officer responsible for the rulemaking should provide adequate notice to pertinent State, local and tribal officials: (1) Describing the nature and authority for the rulemaking; (2) explaining DOE's estimate of the resulting increase in their governmental expenditure level; (3) inviting them to participate in the development of the notice of proposed rulemaking by participating in meetings with DOE or by presenting their views in writing on the likely effects of the regulatory requirement or legally available policy alternatives that DOE should take into account. If the authorizing statute for a rule requires publication of an advance notice of proposed rulemaking, then these content requirements may be addressed in that advance notice.

How to notify State and tribal officials. With respect to State and tribal governments, actual notice should be given by letter, using a mailing list maintained by the DOE Office of Intergovernmental and External Affairs that includes elected chief executives (or their designees), chief financial officers (or their designees), the National Governors Association, and the National Congress of American Indians. The Secretarial Officer also should provide constructive notice in the Federal Register.

How to notify local officials. With respect to local governments, the Secretarial Officer should provide notice through the Federal Register and by letter to the following associations: the National League of Cities, the National Association of Counties, and the U.S. Conference of Mayors. If a significant intergovernmental mandate might affect local governments 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 if practicable.

Exemption from the Federal Advisory Committee Act. Secretarial Officers are encouraged to meet with State, local, and tribal elected officials (or their designees) to exchange views, information, and advice concerning the implementation of intergovernmental responsibilities or administration. Meetings for this purpose that do not include other members of the public are exempt from the Federal Advisory Committee Act. 2 U.S.C. 1534(b).

Small government consultation plan. If the proposed regulatory requirements might significantly or uniquely affect small governments, then the Secretarial Officer should summarize in the Supplementary Information section of the notice of proposed rulemaking its plan for intergovernmental consultation under section 203 of the Act. Unless impracticable, the plan should provide for actual notice by letter to potentially affected small governments.

Documenting compliance. The Supplementary Information section of any notice of proposed and final rulemaking involving a significant intergovernmental mandate upon State, local, or Indian tribal governments should describe DOE's determinations and compliance activities under the Act. The Supplementary Information section of the notice of proposed rulemaking should describe the estimated impact of an intergovernmental mandate, the assumptions underlying its calculation, and the resulting determination of whether the rulemaking involves a significant intergovernmental mandate. It should discuss, as appropriate, cost and benefit estimates and any reasonable suggestions received during pre-notice intergovernmental consultations. Any substantive pre-notice written communications should be described in the Supplementary Information and made available for inspection in the public rulemaking file in the DOE Freedom of Information Reading Room.

Reporting. Pursuant to the OMB guidelines and instructions, the Office of General Counsel, with the cooperation of the Secretarial Officers, will prepare the annual report to OMB on compliance with the intergovernmental consultation requirements of the Act (initially due on January 15, 1996, and annually on January 15 thereafter).

[FR Doc. 96–1198 Filed 1–25–96; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5403–9]

Agency Information Collection Activities Under OMB Review: National Water Quality Inventory Reports

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before February 26, 1996.

FOR FURTHER INFORMATION OR A COPY CALL: Sandy Farmer at EPA, (202) 260–2740, and refer to EPA ICR No. 1506.04.

SUPPLEMENTARY INFORMATION:

Title: National Water Quality Inventory Reports (Clean Water Act Sections 305(b), 303(d), 314(a), and 106(e)). (OMB Control No. 2040–0071; EPA ICR No. 1560.04). This is a request for extension of a currently approved collection.

Abstract: Section 305(b) of the Clean Water Act (Pub. L. 92–500, 33 U.S.C. 1251 *et seq.*, most recently amended in 1987 by Pub. L. 100–4), requires each State to prepare and submit a biennial water quality report to the EPA Administrator. Regulations for water quality monitoring, planning, management and reporting are found in 40 CFR part 130. Each 305(b) report includes such information as a