

DEPARTMENT OF DEFENSE**Department of the Army****Notice of Proposed Change to MTMC Freight Transportation Procurement Procedures**

AGENCY: Military Traffic Management Command, U.S. Army, DoD.

ACTION: Notice (Request for Comments).

SUMMARY: The Military Traffic Management Command (MTMC) proposes to revise the procedures it uses in procuring long term recurring freight transportation services from motor carriers and barge operators. MTMC often procures transportation services using contracting procedures that are not governed by the Federal Acquisition Regulation, e.g., guaranteed traffic (GT) agreements. A revision of these procedures is being proposed due to change in the governing law.

DATES: Interested parties are requested to submit comments on this proposal by September 19, 2000. All comments received within 60 days of publication of this notice will be considered prior to any decision on whether to adopt this proposal.

ADDRESSES: Comments should be addressed to Headquarters, Military Traffic Management Command, ATTN: MTAQ Room 12N67, Hoffman Building II, 200 Stovall Street, Alexandria, Virginia 22331-5000.

FOR FURTHER INFORMATION CONTACT: Christina N. Dossman, (703-) 428-2052.

SUPPLEMENTARY INFORMATION:

Historically, freight transportation services procured by MTMC have not been governed by the Federal Acquisition Regulation (FAR) contained in Title 48 of the Code of Federal Regulations.

The FAR states at FAR 47.000 that it does not regulate transportation procured by bills of lading and similar documents. FAR 47-104.1 states that under 49 U.S.C. 10721 (now recoded at 49 U.S.C. sections 10721 [rail], 13721 [motor, water and freight forwarder] and 15504 [pipeline], carriers can offer reduced rates for Government Bill of Lading service and that agencies can negotiate reduced rates for volume moves or for shipments on a recurring basis. Under the exception recognized in FAR 47.200 the government could acquire transportation using 49 USC 10721 rates even though the FAR normally applies to transportation acquire by sealed bid or negotiated contracts (i.e., not individual GBL traffic).

Under the above rules MTMC could and did use FAR exempt procedures

for traffic based upon GBLs and also for traffic based upon Section 10721 rates.

49 U.S.C. 10721 was part of the Interstate Commerce Act which regulated rates offered by common carriers. This Act has been substantially amended in recent years, most notably by the Trucking Industry Reform Act of 1994, which abolished tariff filing requirements for motor carriers of freight, and by Public Law 104-88, the ICC Termination Act of 1995, which abolished the Interstate Commerce Commission. Thus, the provisions of the former Section 10721, to the extent it still exists in revised form as sections 10721, 13712 and 15504, have no practical application to the freight service DOD acquires from carriers. (See *Munitions Carriers Conference, Inc. v. United States*, 147 F.3d 1027 (1998).

In view of this change in the law, MTMC proposes to procure future transportation services involving recurring shipments or long term contracts under the FAR, including use of the FAR contract format and inclusion of all required FAR provisions and clauses. This will include future procurements based upon, or similar to, the guaranteed traffic (GT) agreements that MTMC now utilizes under FAR exempt procedures. This proposal does not apply to the current household goods program which is covered by different laws, but it should be noted that some household goods transportation contracts are already being conducted under the FAR.

MTMC will continue to use a voluntary tender procedure for shipments not covered under a long term contract. Those GBL-based movements continue to be recognized as exceptions to the legal requirement to use the FAR.

Regulatory Flexibility Act

This proposed change of procurement policy is not considered rule making within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601-612. Paperwork Reduction Act. The Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* does not apply because no information collection requirements or records keeping responsibilities are imposed on offerors, contractors, or members of the general public.

Brenda R. Jackson-Sewell,

Lieutenant Colonel, U.S. Air Force, Deputy Principal Assistant Responsible for Contracting.

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DEPARTMENT OF DEFENSE**Department of the Army; Corps of Engineers****Intent To Prepare a Draft Environmental Impact Statement [DEIS] for the Boeuf-Tensas Basin, Southeast Arkansas, Feasibility Report**

AGENCY: U.S. Army Corps of Engineers, Vicksburg District, DOD.

ACTION: Notice of Intent.

SUMMARY: The feasibility study for the Boeuf-Tensas Basin, Southeast Arkansas will be conducted to fully evaluate a range of alternatives to provide a plan for flood control, environmental protection/restoration, and agricultural water supply in Chicot, Desha, Ashley, Drew, Lincoln, and Jefferson Counties, Arkansas.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Marcy (telephone (601) 631-5965), CEMVK-PP-PQ, 4155 Clay Street, Vicksburg, Mississippi 39183-3435.

SUPPLEMENTARY INFORMATION: This study is authorized by a resolution of the Senate Committee on Environment and Public Works adopted 23 June 1988.

1. Proposed Action: Feasibility studies for the Boeuf-Tensas Basin, Southeast Arkansas study will be conducted to fully evaluate a range of alternatives to provide a multipurpose plan for flood control, agricultural water supply, and environmental protection and/or enhancement. Various alternatives will be analyzed, and assuming a feasible plan is identified, design studies will be completed to develop a baseline cost estimate and schedule for implementation.

2. Alternatives: One feasible implementable plan was identified during the Reconnaissance Study and documented in the Final Reconnaissance Report, February 1991. This plan would use water from seven different sources and/or methods, including rainfall, existing streamflows at the safe and legal rate of withdrawal, ground water at the safe yield, existing on-farm storage reservoirs, new on-farm storage reservoirs, import water from the Arkansas River, and water conservation. The primary delivery system to import water from the Arkansas River would consist of approximately 136 miles of channel excavation; one 75-cubic-foot-per-second pump station at Harding Drain in Pine Bluff, Arkansas; four gravity structures through the Arkansas River south bank levees at Linwood, Douglas Lake, Silver Lake, and Belcoe Lake; a dam across the south end of Morgan Point Cutoff; a 680-cubic-foot-

per-second pump station near Tillar, Arkansas; and 28 weirs in the main water supply channels. The secondary delivery system would consist of 75 lateral and 8 sublaterals to divert irrigation water from the main water supply channels to the beginning of an on-farm irrigation system; 4,830 relifts to supply water to the laterals and on-farm delivery systems; approximately 1,361,000 linear feet of permanent underground pipelines; and 670 on-farm reservoirs.

3. Additional alternatives that may be included are:

a. Water supply plans to meet three different design drought conditions.

b. Additional import points along the Arkansas River similar to the plan selected for detailed analysis in the Reconnaissance Study.

c. One import point on the Mississippi River to supply a portion of the unmet water needs of the Basin.

d. Utilization of on-farm storage and water conservation measures to meet all or a portion of the water needs in the Basin.

e. Upland reservoirs west of Bayou Bartholomew to supply a portion of the unmet water needs of the Basin.

f. Various levels of flood control and the impacts of the water supply alternatives on the existing level of flood protection.

g. Features to restore, protect, and/or enhance the environment. Opportunities exist to improve the productivity of streams and oxbow lake fisheries; restore, protect, and/or enhance the remaining tracts of bottomland hardwoods and forested wetlands to benefit Neotropical migratory birds; and migratory waterfowl.

h. Other alternatives may be developed through the scoping process described below.

4. The National Environmental Policy Act (40 CFR Parts 1500–1508) requires all Federal agencies involved in water resources planning to conduct a process termed “scoping.” This scoping process determines the issues to be addressed and identifies the significant issues related to a proposed action. To accomplish this, two public scoping meetings will be held. One meeting is tentatively scheduled to be held at Pine Bluff, Arkansas, and one meeting at McGehee, Arkansas. These meetings are scheduled to be held in August 2000. Significant issues identified in the scoping meetings will be analyzed in depth in the DEIS. Significant issues currently identified include, but are not limited to, excessive sedimentation, excessive nutrients, trash dumping, log jams, reduced instream flow, habitat alteration, lack of diverse use, lack of

public access, contaminants, and rock weirs. The Environmental Protection Agency, U.S. Fish and Wildlife Service, Natural Resources Conservation Service, Arkansas Department of Environmental Quality, Arkansas Game and Fish Commission, and the Arkansas Soil and Water Conservation Commission will be invited to become cooperating agencies. These agencies will be asked to review data, the feasibility report, and appendixes. A public meeting will be held once the DEIS is completed. All interested agencies, groups, tribes, and individuals will be sent copies of the DEIS and final EIS.

5. The DEIS is estimated to be completed in March 2005.

Robert Crear,

Colonel, Corps of Engineers, District Engineer.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00–2885–000]

Cedar Brakes I, L.L.C.; Notice of Issuance of Order

July 17, 2000.

Cedar Brakes I, L.L.C. (Cedar Brakes) submitted for filing a rate schedule under which Cedar Brakes will engage in wholesale electric power and energy transactions at market-based rates. Cedar Brakes also requested waiver of various Commission regulations. In particular, Cedar Brakes requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Cedar Brakes.

On July 12, 2000, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Cedar Brakes should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission’s Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request for hearing within this period, Cedar Brakes is authorized to issue securities and assume obligations or liabilities as a guarantor,

indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Cedar Brakes’ issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is August 14, 2000.

Copies of the full text of the Order are available from the Commission’s Public Reference Branch, 888 First Street, N.E., Washington, D.C. 20426. The Order may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–18473 Filed 7–20–00; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC00–109–000]

Cinergy Capital & Trading, Inc. CinCap VI, LLC Sunbury Holdings, LLC; Notice of Filing

July 17, 2000.

Take notice that on July 11, 2000, Cinergy Capital & Trading, Inc., Inc., CinCap VI, LLC and Sunbury Holdings, LLC (collectively, the Applicants), tendered for filing a supplement to Exhibit H to their joint application filed on June 27, 2000, in the above-captioned docket.

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, N.E., 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 and protests should be filed on or before July 25, 2000. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on