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**Magalie R. Salas,**

*Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. AD04-13-000]

#### Assessing the State of Wind Energy in Wholesale Electricity Markets; Notice of Technical Conference

October 4, 2004.

Take notice that the Federal Energy Regulatory Commission will host a technical conference on Wednesday, December 1, 2004 to assess the state of wind energy in wholesale electricity markets. The workshop will be held at the Adams Mark Denver Hotel, 1550 Court Place, Denver, Colorado 80202. The workshop is scheduled to begin at 9 a.m. and end at approximately 5 p.m. (Mountain Standard Time). The Commissioners will attend and participate.

The goal of the technical conference is to explore possible policy changes that would better accommodate the participation of wind energy in wholesale markets. Topics may include:

- The interest in and need for reform to the transmission service options under open-access transmission tariffs to better accommodate intermittent resources like wind;
- Whether the current methodology for determining imbalance charges unduly penalizes intermittent resources;
- The role of regional transmission planning processes;
- The inclusion of wind energy in State resource adequacy plans and installed capacity markets; and
- Experiences of transmission providers that currently transmit wind energy.

An agenda will be made available at a later time.

The conference is open for the public to attend, and registration is not required; however, in-person attendees are asked to register for the conference on-line by close of business on Monday, November 29, 2004 at <http://www.ferc.gov/whats-new/registration/wind-1201-form.asp>.

Transcripts of the conference will be immediately available from Ace Reporting Company (202) 347-3700 or 1-800-336-6646) for a fee. They will be available for the public on the Commission's eLibrary system seven calendar days after FERC receives the transcript. Additionally, Capitol Connection offers the opportunity for remote listening of the conference via the Internet or a Phone Bridge Connection for a fee. Interested persons should make arrangements as soon as possible by visiting the Capitol Connection Web site at <http://www.capitolconnection.gmu.edu> and clicking on "FERC." If you have any questions contact David Reininger or Julia Morelli at the Capitol Connection (703-993-3100).

For more information about the conference, please contact Sarah McKinley at (202) 502-8004, [sarah.mckinley@ferc.gov](mailto:sarah.mckinley@ferc.gov).

**Magalie R. Salas,**

*Secretary.*

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## DEPARTMENT OF ENERGY

### Western Area Power Administration

#### Post-2005 Resource Pool, Pick-Sloan Missouri Basin Program—Eastern Division

**AGENCY:** Western Area Power Administration, DOE.

**ACTION:** Notice of final power allocations.

**SUMMARY:** The Western Area Power Administration's (Western) Upper Great Plains Customer Service Region, a Federal power marketing agency of the Department of Energy, announces the Post-2005 Resource Pool Power Allocations (Power Allocations) to fulfill the requirements of the Energy Planning and Management Program (Program). The Power Allocations come from a Federal power resource pool of the long-term marketable resource of the Pick-Sloan Missouri Basin Program—Eastern Division (P-SMBP—ED) that will become available January 1, 2006. This notice also includes Western's responses to public comments on proposed allocations published March 29, 2004.

Final Power Allocations are published to show Western's decisions prior to beginning the contractual phase of the process. Firm electric service contracts, between Western and the allottees in this notice, will provide for allocations of power from the January 2006 billing

period through the December 2020 billing period.

**DATES:** The Power Allocations are effective November 12, 2004.

**ADDRESSES:** Information about these Power Allocations, including comments, letters, and other supporting documents made or kept by Western in developing the final allocations, are available for public inspection and copying at the Upper Great Plains Customer Service Region, Western Area Power Administration, located at 2900 4th Avenue North, P.O. Box 35800, Billings, MT 59107-5800. Public comments are available online at <http://www.wapa.gov/ugp/contracts/post2005/comments.htm>.

#### FOR FURTHER INFORMATION CONTACT:

Nancy Senitte, Public Utilities Specialist, Upper Great Plains Customer Service Region, Western Area Power Administration, 2900 4th Avenue North, Billings, MT 59107-1266, telephone (406) 247-7429, e-mail [senitte@wapa.gov](mailto:senitte@wapa.gov).

**SUPPLEMENTARY INFORMATION:** Western published the final Post-2005 Resource Pool Allocation Procedures (Procedures) in the **Federal Register** (68 FR 67414, December 2, 2003), to implement Subpart C—Power Marketing Initiative of the Program's Final Rule (10 CFR 905), published in the **Federal Register** (60 FR 54151, October 20, 1995). The Program, developed in part to implement section 114 of the Energy Policy Act of 1992, became effective on November 20, 1995. The goal of the Program is to require planning for efficient electric energy use by Western's long-term firm power customers and to extend Western's firm power resource commitments. One aspect of the Program is to establish project-specific power resource pools and allocate power from these pools to new preference customers.

Western published its proposed allocations in the **Federal Register** (69 FR 16247, March 29, 2004), and initiated a public comment period. Public information and comment forums on the proposed allocations were held on April 27 and 28, 2004. The public comment period ended on June 28, 2004.

The Procedures, in conjunction with the Post-1985 Marketing Plan (45 FR 71860, October 30, 1980), establish the framework for allocating power from the P-SMBP—ED.

#### Response to Comments on Proposed Post-2005 Resource Pool Allocations

The comments and responses regarding the allocations of power, paraphrased for brevity when not

affecting the meaning of the statement(s), are discussed below.

*Comment:* Western received a letter supporting the allocation plan for the Post-2005 Resource Pool. Western also received a letter expressing frustration with the process and allocations.

*Response:* Western exercised its discretion under Reclamation Law in shaping the final Procedures in response to public input provided during the public process in allocating this resource to eligible applicants. Western followed these Procedures in determining the Power Allocations.

*Comment:* Western received a comment from a current customer concerned with the Post-2005 Resource Pool process overburdening a specific class of existing customers by using a reallocation methodology which does not impact all existing customers equally. The commenter believes this results in an increase to retail power

rates for the benefit of new customers under the Post-2005 Resource Pool. The commenter suggests that all customers, regardless of class, should bear the burden of the proposed allocation.

*Response:* Western agrees that all customers should be impacted equally and the Post-2005 Resource Pool process accomplishes that. Customers who hold allocations from a Western resource pool are impacted the same; as each customer's current allocation is reduced by the same percentage. Western's customers who received allocations from the Post-2000 Resource Pool will see a reduction in their allocations at the same percentage as those who hold allocations from previous marketing initiatives. This process avoids any discrimination among customers.

*Comment:* Western received a letter from an entity expressing hope that a

power allocation to an entity from the Post-2005 Resource Pool would not automatically disqualify other State entities or university units from consideration for power allocations in future.

*Response:* The determination of future resource pool criteria is outside of this public process.

### Final Allocations of Power

The Power Allocations for new customers were calculated using the Procedures. As defined in the Post-1985 Marketing Plan criteria under the Procedures, the summer allocations are 24.84413 percent of total summer load; the winter allocations are 35.98853 percent of total winter load. The final Power Allocations for new eligible customers and the loads these allocations are based upon are as follows:

New customers	2002 summer season load kilowatts	2002 winter season load kilowatts	Post-2005 resource pool power allocations	
			Summer kilowatts	Winter kilowatts
City of Auburn, IA .....	515	409	128	147
City of Pocatong, IA .....	4,236	2,980	1,052	1,072
Montana State University—Bozeman, MT .....	8,506	8,536	2,113	3,072

The final Power Allocations for new customers listed in the table above are based on the P-SMBP—ED marketable resource available at this time. Firm Electric Service Contracts will be offered to the customers listed in the table above. If the P-SMBP—ED marketable resource is adjusted in the future, Power Allocations may be adjusted accordingly.

### Regulatory Procedure 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. This action does not require a regulatory flexibility analysis since it is a rulemaking of particular applicability involving rates or services applicable to public property.

#### 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.

#### 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.

Dated: September 27, 2004.

**Michael S. Hacsakaylo,**

*Administrator.*

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### ENVIRONMENTAL PROTECTION AGENCY

[OPPT-2004-0077; FRL-7827-2]

#### Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Asbestos-Containing Materials in Schools Rule and Revised Asbestos Model Accreditation Plan Rule, EPA ICR No. 1365.07, OMB No. 2070-0091

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

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Asbestos-Containing Materials in Schools Rule and Revised Asbestos Model Accreditation Plan Rule, EPA ICR No. 1365.07, OMB No. 2070-0091. This is a request to renew an existing approved collection. This ICR is scheduled to expire on October 31, 2004. Under OMB regulations, the Agency may continue to conduct or