

Navajo Tribal Utility Authority (NTUA) and the Operation, Maintenance and Capital Improvement Agreement for the Bisti Switching Station (Facilities Agreement) between PNM and NTUA, dated September 6, 1996. PM has requested that delivery of energy by PNM to NTUA under the Agreement commence once the construction and interconnection of a three breaker ring bus (Bisti Switching Station) to PNM's AF-B1 230 Kv transmission line facility has been completed and PNM has declared the Bisti Switching Station operational.

In conjunction with the execution of the Agreement, PNM and Enron have entered into the Construction Agreement for Certain Transmission Facilities that establishes the terms and conditions under which PM shall oversee the design and construction of the Bisti Switching Station by Enron (or Enron's agent). The Construction Agreement also provides PNM the mechanism to declare the Bisti Switching Station operational and ready for integration into PNM's overall transmission facilities. NTUA under separate agreement with Enron will take ownership of the Bisti Switching Station once the Bisti Switching Station has been constructed, interconnected and declared operational by PNM. The Bisti Switching Station shall then be operated and maintained by PNM under the Operation, Maintenance and Capital Improvement Agreement between PNM and NTUA which ensures the long term integrity and integration of the Bisti Switching Station to PNM's other transmission facilities.

PNM requests waiver of the Commission's notice requirements to permit the Purchase Agreement to become effective upon installation of the Bisti Switching Station. The current expectation of the parties is to complete the construction and installation of the Bisti Switching Station by later September 1996.

Copies of this notice have been mailed to NTUA, representatives of Enron and the New Mexico Public Utility Commission.

Comment date: October 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

15. Public Service Company of New Mexico

[Docket No. ER96-3118-000]

Take notice that on September 27, 1996, Public Service Company of New Mexico Transmission Development and Contracts (PNM Transmission), tendered for filing the Service Agreement for Non-Firm Point-to-Point Transmission Service and Ancillary

Service (Service Agreement) between PNM Transmission and the PNM Marketing and Power Contracts (PNM Marketing) dated September 25, 1996.

PNM Transmission requests waiver of the Commission's notice requirements to permit the PNM Marketing to begin receiving services under the Service Agreement as of the date executed by the parties.

Copies of this notice have been mailed to PNM Marketing and the New Mexico Public Utility Commission.

Comment date: October 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

16. Public Service Company of Oklahoma, Southwestern Electric Power Company

[Docket No. ER96-3119-000]

Take notice that on September 27, 1996, Public Service Company of Oklahoma and Southwestern Electric Power Company (collectively, the Companies) tendered for filing two executed service agreements under which the Companies will provide non-firm point-to-point transmission service to Aquila Power Corporation (Aquila) and Questar Energy Trading Company (Questar) under their point-to-point transmission service tariff.

The Companies state that a copy of the filing has been served on Aquila and Questar.

Comment date: October 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

17. Washington Water Power Company

[Docket No. ER96-3125-000]

Take notice that on September 30, 1996, Washington Water Power Company tendered for filing executed service agreements under FERC Electric Tariff Volume No. 4 with Edison Energy Source, City of Cheney, and Franklin County PUD.

Comment date: October 17, 1996, in accordance with Standard Paragraph E at the end of this notice.

18. Michigan Power Limited Partnership

[Docket No. QF88-441-002]

On October 1, 1996, Michigan Power Limited Partnership tendered for filing an amendment to its August 28, 1996, filing in this docket.

The amendment pertains to the technical aspects of the cogeneration facility. No determination has been made that the submittal constitutes a complete filing.

Comment date: October 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

19. Michael R. Whitley

[Docket No. ID-2921-001]

Take notice that on September 9, 1996, Michael R. Whitley (Applicant) tendered for filing an application under Section 305(b) to hold the following positions: Chairman, President, Chief Executive Officer—Kentucky Utilities Company; Director—Electric Energy, Inc.; Director—Ohio Valley Electric Company; Director—PNC Bank Kentucky.

Comment date: October 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing 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 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96-26176 Filed 10-10-96; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-5634-7]

California State Motor Vehicle Pollution Control Standards; Waiver of Federal Preemption; Decision

AGENCY: Environmental Protection Agency.

ACTION: Notice regarding waiver of Federal preemption.

SUMMARY: EPA is granting California a waiver of Federal preemption pursuant to section 209(b) of the Clean Air Act to enforce amendments to its motor vehicle emission standards and test procedures to phase-in more stringent monitoring requirements and tampering deterrence features for its on-board diagnostic (OBD) systems commencing in model year 1994 and later model year passenger cars, light-duty trucks, and

medium-duty vehicles. California also amended its corresponding regulations.

ADDRESSES: A copy of the above standards and test procedures, the decision document containing an explanation of the Administrator's determination, and the record of those documents used in arriving at this decision, are available for public inspection during normal working hours of 8 a.m. to 5:30 p.m., Monday through Friday, at: U.S. Environmental Protection Agency, Air Docket (Docket #A-90-28), room M1500, Waterside Mall, 401 M Street, S.W., Washington, DC 20460. The telephone number is (202) 260-7548 and the facsimile number is (202) 260-4400. A reasonable fee may be charged by EPA for copying docket material.

FOR FURTHER INFORMATION CONTACT: David J. Dickinson, Attorney/Advisor, Vehicle Programs and Compliance Division (6405J), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460. Telephone: (202) 233-9256 or Internet e-mail at "dickinson.david@epamail.epa.gov."

SUPPLEMENTARY INFORMATION: I have decided to grant California a waiver of Federal preemption pursuant to section 209(b) of the Clean Air Act, as amended (Act), 42 U.S.C. 7543(b), for amendments to its exhaust emission standards and test procedures which establish new and/or more stringent monitoring requirements of OBD systems on 1994 and later model year passenger cars, light-duty trucks, and medium-duty vehicles and also requires certain tampering protections on such OBD systems. A comprehensive description of California's OBD II program can be found in the decision document for this waiver and in materials submitted to the Docket by the California Air Resources Board (CARB).

Section 209(b) of the Act provides that, if certain criteria are met, the Administrator shall waive Federal preemption for California to enforce new motor vehicle emission standards and accompanying enforcement procedures. As explained more fully in the decision document, EPA finds CARB's OBD II regulations to be a standard under section 202 and thus to require full waiver review. The criteria of such a waiver include consideration of whether California arbitrarily and capriciously determined that its standards are, in the aggregate, at least as protective of public health and welfare as the applicable Federal standards; whether California needs State standards to meet compelling and extraordinary conditions; and whether

California's amendments are consistent with section 202(a) of the Act.

CARB determined that these standards and accompanying enforcement procedures do not cause California's standards, in the aggregate, to be less protective to public health and welfare than the applicable Federal standards. Information presented to me by parties opposing California's waiver did not demonstrate that California arbitrarily or capriciously reached this protectiveness determination. Therefore, I cannot find California's determination to be arbitrary and capricious.

CARB has continually demonstrated the existence of compelling and extraordinary conditions justifying the need for its own motor vehicle emission control program, which includes the subject standards and procedures. Information presented to me by parties opposing California's waiver request did not demonstrate that California no longer has a compelling and extraordinary need for its own program. Therefore, I agree that California continues to have compelling and extraordinary conditions which require its own program, and, thus, I cannot deny the waiver on the basis of the lack of compelling and extraordinary conditions.

CARB has submitted information that its emission standards and test procedures are technologically feasible and present no inconsistency with Federal requirements and are, therefore, consistent with section 202(a) of the Act. Additionally, EPA agrees with CARB's statement that any vehicle that satisfies California's requirements can be presumed to meet the Federal requirements (assuming the manufacturer monitors, at minimum, the catalytic converter, the oxygen sensor, and engine misfire, and complies with requirements for standardizing certain aspects of the OBD system such as diagnostic connectors and computer communication protocols) through the 1998 model year. Thereafter CARB's regulations state that CARB will accept EPA certification data. Information presented to me by parties opposing California's waiver request did not satisfy the burden of persuading EPA that the standards are not technologically feasible within the available lead time, considering costs. Accordingly, I hereby grant the waiver requested by California.

My decision will affect not only persons in California but also the manufacturers outside the State who must comply with California's requirements in order to produce motor vehicles for sale in California. For this reason, I hereby determine and find that

this a final action of national applicability.

Under section 307(b)(1) of the Act, judicial review of this final action may be sought only in the United States Court of Appeals for the District of Columbia Circuit. Petitions for review must be filed by December 10, 1996. Under section 307(b)(2) of the Act, judicial review of this final action may not be obtained in subsequent enforcement proceedings.

As with past waiver decisions, this action is not a rule as defined in the Regulatory Flexibility Act, 5 U.S.C. 601(2). Therefore, EPA has not prepared a supporting regulatory flexibility analysis addressing the impact of this action on small business entities.

Dated: October 2, 1996.

Mary D. Nichols,

Assistant Administrator for Air and Radiation.

[FR Doc. 96-26192 Filed 10-10-96; 8:45 am]

BILLING CODE 6560-50-P

[ER-FRL-5473-8]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564-7167 OR (202) 564-7153. Weekly receipt of Environmental Impact Statements Filed September 30, 1996 Through October 04, 1996 Pursuant to 40 CFR 1506.9.

EIS No. 960460, Final EIS, FRC, ME, Penobscot River Basin Hydroelectric Project, Ripogenus (FERC No. 2572) and Penobscot Mills (FERC No. 2458) Operation Changes and Minor Construction, Licenses Renewal, Piscataquis and Penobscot Counties, ME, Due: November 12, 1996, Contact: Edward R. Meyer (202) 208-7998.

EIS No. 960461, Draft Supplement, FHW, HI, Makai Boulevard Concept/Nimitz Highway Improvements, Updated Information, Construction from Keehi Interchange to Pier 16 (Awa Street) in the Kalihi-Palama District, Funding, US Coast Guard and COE Section 404 Permits, City of Honolulu and Honolulu County, HI, Due: December 13, 1996, Contact: Abraham Wong (808) 541-2700.

EIS No. 960462, Final EIS, COE, CA, Norco Bluffs Bank Stabilization Measures, Implementation, Riverside County Flood Control and Water Conservation District, National Economic Development, Santa Ana River, City of Norco, Riverside County, CA, Due: November 12, 1996, Contact: Alex Watt (213) 452-3860.