

advise the Commissioners in the matters discussed will also be present.

**Magalie R. Salas,**  
*Secretary.*

#### CERTIFICATION

I hereby certify that, in my opinion, Commission deliberations scheduled for September 5, 2002, concerning non-public investigations and inquiries may properly be closed to public observation. Discussions are likely to involve disclosure of trade secrets or financial information or other privileged or confidential information obtained from a person. Discussions also may involve investigative records compiled for law enforcement purposes, or information which if written would be contained in such records, the disclosure of which would interfere with enforcement proceedings. Further, discussions may involve the possible initiation of administrative proceedings the premature disclosure of which could frustrate implementation of proposed agency action.

The relevant exemptions on which this certification is based are set forth in 5 U.S.C. §§ 552b(c)(4), (7)(A), and (9)(B), (10), and 18 C.F.R. §§ 375.205(a)(4), (7)(I), (9)(ii), and (10).

Dated: August 28, 2002.

Cynthia A. Marlette,  
*General Counsel.*

[FR Doc. 02-22584 Filed 9-3-02; 10:53 am]

**BILLING CODE 6717-01-P**

#### DEPARTMENT OF ENERGY

##### Federal Energy Regulatory Commission

##### Notice of Change in Available Document Formats for FERC Issuances

August 27, 2002.

The Federal Energy Regulatory Commission hereby gives notice that effective September 9, 2002, it will no longer post the scanned image version of issuances in its Federal Energy Regulatory Records Information System (FERRIS).

The change applies to orders and notices issued by the Office of the Secretary as well as to delegated orders and notices. As a result of this change, the signature of the Secretary, Deputy Secretary, Office Director, or other official, as appropriate, will no longer appear on any of the files viewable and/or downloadable from FERRIS. The signed paper copy will continue to be the official copy of record, and persons desiring a copy of the signed copy of record for any Commission issuance will still be able to request the signed copy from the Commission Public Reference Room.

All issuances will be available in FERRIS for viewing and/or download in

three file formats: the source document format (WordPerfect or Word), Portable Document Format (PDF), and ASCII text format. The PDF version will provide the page integrity that was previously available only from the scanned image version or an official paper copy.

Elimination of the scanned image file format for issuances will result in faster processing of Commission documents into FERRIS.

For additional information on retrieving a signed copy, please contact the Public Reference Room on 202-502-8371.

**Linwood A. Watson, Jr.,**

*Deputy Secretary.*

[FR Doc. 02-22476 Filed 9-3-02; 8:45 am]

**BILLING CODE 6717-01-P**

#### DEPARTMENT OF ENERGY

##### Western Area Power Administration

##### Boulder Canyon Project—Base Charge and Rates

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

**ACTION:** Notice of base charge and rates.

**SUMMARY:** The Secretary of the Department of Energy (DOE) has approved Rate Schedule BCP-F6, FY 2003 Base Charge and Rates (Rates) for Boulder Canyon Project (BCP) electric service provided by the Western Area Power Administration (Western). The Rates will provide sufficient revenue to pay all annual costs, including interest expense, and investment repayment within the allowable period.

**DATES:** The Rates will be effective the first day of the first full billing period beginning on or after October 1, 2002. These Rates will stay in effect through September 30, 2003, or until other Rates replace them.

**FOR FURTHER INFORMATION CONTACT:** Ms. Gloria Jordan, Public Utilities Specialist, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005-6457, telephone (602) 352-2649, e-mail [jordan@wapa.gov](mailto:jordan@wapa.gov).

**SUPPLEMENTARY INFORMATION:** The Deputy Secretary of Energy approved the existing Rate Schedule BCP-F6 for BCP electric service on September 18, 2000 (Rate Order No. WAPA-94, 65 FR 60933, October 13, 2000), on an interim basis, effective on October 1, 2000, through September 30, 2005, that allowed for an annual recalculation of the rates. On July 31, 2001, the Federal Energy Regulatory Commission (FERC) approved Rate Order No. WAPA-94 on a final basis.

Under Rate Schedule BCP-F6, the existing composite rate, effective on October 1, 2001, was 10.32 mills per kilowatt-hour (mills/kWh), the base charge was \$48,039,988, the energy rate was 5.33 mills/kWh, and the capacity rate was \$0.99 per kilowatt-month (kWmonth). The newly calculated Rates for BCP electric service to be effective October 1, 2002, will result in an overall composite rate of 11.16 mills/kWh. This is an increase of approximately 8 percent when compared with the existing BCP electric service composite rate. The increase is due to an increase in the annual revenue requirement and a projected lower water year from the previous year that results in reduced energy sales. The FY 2003 base charge is increasing to \$50,761,729. The increase is due mainly to higher operation and maintenance expenses, replacement costs, replenishing the working capital fund, and a reduction in revenues from reduced tour ticket sales at the Hoover Dam following the September 11, 2001, terrorist attack. The FY 2003 energy rate of 5.58 mills/kWh is approximately a 5-percent increase from the existing energy rate of 5.33 mills/kWh. The FY 2003 capacity rate of \$1.08/kWmonth is approximately a 9-percent increase from the existing \$0.99/kWmonth capacity rate.

The following summarizes the steps taken by Western to ensure involvement of all interested parties in determining the Rates:

1. On February 13, 2002, a letter was mailed from Western's Desert Southwest Customer Service Region to the BCP Contractors and other interested parties announcing an informal customer meeting, and public information and public comment forums.

2. A **Federal Register** (FR) notice was published on February 27, 2002 (67 FR 8964), announcing the proposed rate adjustment process, initiating a public consultation and comment period, announcing public information and public comment forums, and presenting procedures for public participation.

3. Discussion of the proposed Rates was initiated at an informal BCP Contractor meeting held March 21, 2002, in Phoenix, Arizona. At this informal meeting, representatives from Western and the Bureau of Reclamation (Reclamation) explained the basis for estimates used to calculate the Rates. A question and answer session was held.

4. At the public information forum held on April 4, 2002, in Phoenix, Arizona, Western and Reclamation representatives explained the proposed Rates for FY 2003 in greater detail. A question and answer session was held.

5. A public comment forum was held on April 25, 2002, in Phoenix Arizona, to give the public an opportunity to comment for the record. Three persons representing customers made oral comments.

6. Two comment letters were received during the 90-day consultation and comment period. The consultation and comment period ended May 28, 2002. All comments were considered in developing the Rates for FY 2003. Written comments were received from: Irrigation & Electrical Districts Association of Arizona, Metropolitan Water District of Southern California.

Comments and responses, paraphrased for brevity, are presented below.

#### Civil Service Retirement Costs

*Comment:* The Contractors are requesting Western and DOE reexamine the issue of including full civil service retirement costs in the BCP Rates. The Contractors have expressed that the pending legislation S. 1612, clearly demonstrates that no authority exists in law for DOE to collect these costs.

*Response:* Western began collecting the full costs (including the Office of Personnel Management funded portion) of the Civil Service Retirement System and other post-retirement benefits in the BCP rates after the issuance of a legal opinion from the DOE General Counsel dated July 1, 1998. The FERC approved the collection of these costs on July 31, 2001 (96 FERC ¶ 61,171). Although pending legislation (S. 1612, Section 201) has been proposed in Congress addressing full funding of Federal retiree costs, Western and DOE believe this legislation does not address the recovery of such costs by the Power Marketing Administrations through rates. Therefore, at this time, Western will continue to include these costs in its rate-setting power repayment study.

#### Non-reimbursable Costs

*Comment:* The Contractors expressed concern that the increase in security costs and the lost revenues from reduced tourism at the Hoover Dam Visitor Center due to the September 11, 2001, terrorist attack, should be treated as non-reimbursable.

*Response:* A memorandum dated April 4, 2002, from John W. Keys, III, Commissioner of Reclamation, established that supplemental appropriations received in response to the September 11, 2001, attacks for security at Hoover Dam and future expenditures for counter-terrorism measures should be considered non-reimbursable costs. Other costs associated with the security of the

facilities and the lost revenues due to reduced tourism at Hoover Dam are considered reimbursable. Western has not received any appropriations to respond to post September 11th security concerns. If Western does, it will make a determination at that time with regard to the reimbursability of the expenses.

#### Allocation of Specific Costs

*Comment:* A Contractor requested Western provide the cost allocation methodology for Hoover-related common facilities at Mead Substation such as the Arizona and Nevada switchyard, potable water and fire system, Buchanan Boulevard, and any other transmission-related costs.

*Response:* Western presented a proposal, at the Engineering and Operating Committee (E&OC) meeting held May 15, 2002, for allocating future construction costs related to common facilities at Mead Substation. Several Contractors provided feedback and suggestions for Western to consider prior to proceeding forward. Western will continue to work with the Contractors through the E&OC in developing an equitable cost allocation methodology for common facilities at Mead Substation. Western will present the revisions to the proposed cost allocation methodology at the next quarterly E&OC meeting scheduled for October 16, 2002. Any resulting change in the costs allocated to BCP for the Mead Substation will be addressed in future rate processes.

#### Uprating Credit Program Discrepancies

*Comment:* A Contractor expressed concerns about the discrepancies in the administration of the uprating credits that still exist under the uprating program. A request was made for Western to hold another meeting in mid-June to resolve the outstanding issues.

*Response:* Western held a meeting with the Contractors on June 27, 2002. The outstanding issues were resolved.

#### BCP Electric Service Rates

BCP electric service rates are designed to recover an annual revenue requirement that includes the operation and maintenance expenses, payments to States, visitor services, uprating program, replacements, investment repayment, and interest expense. Western's power repayment study allocates the projected annual revenue requirement for electric service between capacity and energy, 50 percent to capacity and 50 percent to energy.

#### Procedural Requirements

BCP electric service rates are developed under the Department of Energy Organization Act (42 U.S.C. 7101-7352), through which the power marketing functions of the Secretary of the Interior and the Bureau of Reclamation under the Reclamation Act of 1902 (ch. 1093, 32 Stat. 388), as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)), and other acts that specifically apply to the project involved, were transferred to and vested in the Secretary of Energy, acting by and through Western.

By Delegation Order No. 00-037.00, effective December 6, 2001, the Secretary of Energy delegated (1) the authority to develop long-term power and transmission rates on a non-exclusive basis to Western's Administrator, (2) the authority to confirm, approve, and place such rates into effect on a interim basis to the Deputy Secretary and (3) the authority to confirm, approve, and place into effect on a final basis, to remand or to disapprove such rates to the FERC. Existing DOE procedures for public participation in electric service rate adjustments are located at 10 CFR part 903, effective September 18, 1985 (50 FR 37835). DOE procedures were followed by Western in developing the rate formula approved by FERC on July 31, 2001, at 96 FERC ¶ 61,171.

The Boulder Canyon Project Implementation Agreement Contract No. 95-PAO-10616 requires Western, prior to October 1 of each rate year, to determine the annual rates for the next fiscal year. The rates for the first rate year and each fifth rate year thereafter, shall become effective provisionally upon approval by the Deputy Secretary of Energy subject to final approval by the FERC. For all other rate years, the rates shall become effective on a final basis upon approval by the Deputy Secretary of Energy.

Western will continue to provide the Contractors annual rates by October 1 of each year using the same rate-setting formula. The rates are reviewed annually and adjusted upward or downward to assure sufficient revenues to achieve payment of all costs and financial obligations associated with the project. Each fiscal year, Western prepares a power repayment study that updates actual revenues and expenses and includes future estimates of annual revenues and expenses for the BCP including interest and capitalized costs.

Western's BCP electric service rate-setting formula set forth in Rate Order

No. WAPA-70 was approved on April 19, 1996, in Docket No. EF96-5091-000 at 75 FERC ¶ 62,050, for the period beginning November 1, 1995, and ending September 30, 2000. Rate Order No. WAPA-94 extended the existing rate-setting formula beginning on October 1, 2000, and ending September 30, 2005. The BCP rate-setting formula includes a base charge, an energy rate, and a capacity rate. The rate-setting formula was used to determine the BCP FY 2003 Base Charge and Rates.

Western proposes the FY 2003 base charge of \$50,761,729, the energy rate of 5.58 mills/kWh, and the capacity rate of \$1.08/kWmonth be approved on a final basis.

Consistent with procedures set forth in 10 CFR part 903, Western held a consultation and comment period. The notice of the proposed FY 2003 Rates for electric service was published in the **Federal Register** on February 27, 2002.

Following review of Western's proposal within DOE, I approve, in the absence of a Deputy Secretary, the FY 2003 Rates, on a final basis for BCP electric service, under Rate Schedule BCP-F6, through September 30, 2003.

Dated: August 14, 2002.

**Spencer Abraham,**

Secretary.

[FR Doc. 02-22489 Filed 9-3-02; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[OPP-2002-0191; FRL-7194-9]

### Organophosphate Pesticides; Reassessment of More Non-Contributing Commodity Tolerances

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

**ACTION:** Notice.

**SUMMARY:** As part of its ongoing review of existing organophosphate (OP) tolerances under the Food Quality Protection Act (FQPA), EPA has determined that 16 OP tolerances can be reassessed at this time. EPA has concluded that these tolerances make, at most, a minimal or negligible contribution to the cumulative risk from OP pesticides. These tolerances are considered to be "non-contributors" based on the small number of reported pesticide residue detections in the monitoring data being used in the OP cumulative risk assessment (CRA), the U.S. Department of Agriculture's (USDA) Pesticide Data Program (PDP) and low consumption in the most highly exposed subgroup (children ages

1 to 2). These non-contributor tolerances meet the FQPA safety standard in section 408(b)(2) of the Federal Food, Drug, and Cosmetic Act (FFDCA) and can be reassessed for the purposes of FFDCA section 408(q). This notice discusses the concept and basis for this approach to reassessing selected OP tolerances based on available information relating to the revised OP CRA. Nothing in this notice is intended to modify in any way any determination or requirement set forth in individual pesticide Interim Reregistration Eligibility Decisions (IREDs), or affect regulatory agreements or use cancellation actions required for some other purpose (e.g., due to worker or ecological risk concerns).

**DATES:** The reassessment of these tolerances is effective as of July 31, 2002.

**FOR FURTHER INFORMATION CONTACT:** Karen Angulo, Special Review and Reregistration Division (7805C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308-8004; e-mail address: angulo.karen@epa.gov.

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### A. Does this Action Apply to Me?

This action is directed to the public in general who are interested in the use of pesticides on food. As such, the Agency has not attempted to specifically describe all the entities potentially affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

###### B. How Can I Get Additional Information, Including Copies of This Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at <http://www.epa.gov/>. On the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>. In addition, copies of this notice may also be accessed at <http://www.epa.gov/opprrd1/op>.

2. *In person.* The Agency has established an official record for this action under docket ID number OPP-

2002-0191. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305-5805.

##### II. Background

FQPA significantly amended the FFDCA, creating a new safety standard for judging the acceptability of tolerances for pesticide residues in food. The new statutory standard allows EPA to approve a new tolerance or leave an existing tolerance in place only if the tolerance is "safe." The statute defines "safe" to mean "that there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable data" FFDCA section 408(b)(2)(A)(ii). In making the safety determination, EPA "shall consider, among other relevant factors—available information concerning the cumulative effects of such residues and other substances that have a common mechanism of toxicity." FFDCA section 408(b)(2)(D)(v). The FQPA amendments not only made the new safety standard applicable to new tolerances, but also to tolerances in existence when FQPA became law. FQPA set a 10-year schedule for EPA to reassess all existing tolerances, with interim deadlines for completion of 33% and 66% of tolerance reassessments 3 to 6 years, respectively, after the date of enactment. Pesticide tolerances subject to reassessment under the FQPA section 408(q) may only remain in effect without modification if they meet the section 408(b)(2) safety standard. Finally, FQPA instructed EPA to give priority to the review of tolerances which appear to pose the greatest risk to public health.

Consistent with the FQPA mandate, EPA identified OPs as high priority for