



Department of Energy
Western Area Power Administration
P.O. Box 281213
Lakewood, CO 80228-8213

NOV 16 2012

Mr. Terry Rambler
President, Inter Tribal Council of Arizona
Chairman, San Carlos Apache Tribe
2214 North Central Avenue, Suite 100
Phoenix, AZ 85004

Dear Mr. Rambler:

Thank you for your letter to Secretary Chu dated September 25, 2012, regarding the Inter Tribal Council of Arizona (ITCA) concerns with Western's Boulder Canyon Project (BCP) (Hoover) Post-2017 power marketing efforts. I am writing to you on behalf of the Department of Energy and Secretary Chu to address the concerns raised in your letter.

As you are aware, member tribes of the ITCA and Western have participated in several Government-to-Government consultation meetings. At our April 5, 2012, consultation, Western had not yet formulated draft proposals related to marketing criteria that could be used in the allocation of the Hoover Post-2017 resource pool known as "Schedule D" and was seeking tribal input before formulating proposals. At the July 26, 2012, consultation, Western shared some preliminary thoughts on potential proposals and received input from the tribes. Western subsequently refined its proposals based upon tribal input. At the last consultation meeting held on August 28, 2012, Western presented specific marketing criteria proposals it was considering but stressed that no decisions on actual marketing criteria will be made until after a formal public process has been completed. No final determinations on marketing criteria have been made at this time.

The public process to determine marketing criteria was initiated by Western's publication of proposals in a Federal Register Notice (FRN) on October 30, 2012 (77 FR 65681). A copy of the FRN is enclosed for your reference. The FRN also established public information and comment forums for interested parties to learn about the proposals and to submit their input on them. You had requested that Western delay the issuance of this FRN. However, since the Hoover Power Allocation Act of 2011 (Public Law 112-72) (HPAA) obligates Western to finalize allocations by December 2014, we were unable to accommodate your request. Nonetheless, there will be further opportunities for additional tribal input on the marketing criteria before they are finalized.

Please note, based upon input from tribes and others, Western has not requested applications in this FRN and has postponed that effort until after the marketing criteria have been finalized. This modification is consistent with the ITCA's latest request.

As for specific marketing criteria proposals you will see in the FRN, one would establish minimum allocations of 1,000 Kilowatts (kW). As we've explained at the ITCA consultations, Western is proposing this minimum allocation for operational efficiencies and cost mitigation reasons. Specifically, pursuant to the HPA, all allocations will maintain dynamic delivery capabilities. The potential addition of dozens of dynamic signals delivering less than 1,000 kW of capacity is anticipated to be operationally inefficient for Western to administer and costly for all Hoover contractors to bear. With each statically scheduled allocation additional risk is assumed by Western associated with the rounding of that allocation for delivery purposes. This rounding risk can lead to an obligation on Western to deliver more capacity than has been allocated. Since Western's only means to deliver this unallocated capacity is to make market purchases and pass the costs on to its customers, it would result in increased expense to all Hoover contractors. Please keep in mind however; this is still only a proposal at this point.

Western understands that establishing a minimum allocation of 1,000 kW is not ideal for many tribes because their loads are less than that amount. This has been discussed at length during our consultations. To accommodate that concern, Western has proposed allowing tribes to request allocations in aggregates. This is not a requirement on tribes, but rather an option for them. Concern was expressed at the last ITCA consultation about the amount of time required to establish aggregated arrangements, and in response to that concern, Western's formal proposals have provided more time for tribes to make such arrangements.

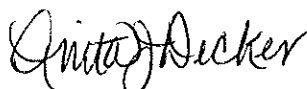
Also, to clarify, Western has not informed tribes that it will discriminate against tribes that have other Federal hydropower contracts. Western has proposed that existing Federal hydropower allocations will be considered for all applicants of Hoover power. The consideration of existing Federal hydropower allocations has been in some fashion included in every Western allocation effort since Western was established in 1977. This policy originates from the requirement in the Flood Control Act of 1944 (58 Stat. 887) that Federal hydropower is to be distributed in a manner to encourage the most widespread use thereof, and not from Western's Energy Planning and Management Program (EPAMP). In some remarketing efforts, if an applicant has had an existing allocation, or was a beneficiary of an existing allocation, they were excluded from further consideration by being deemed ineligible. All other Western efforts have considered in some manner the benefits an entity may receive relative to an existing Federal hydropower allocation. For the BCP, Western is proposing that it would consider existing Federal power allocations for any and all applicants, not just tribes. Again, this is just a proposal.

Western appreciates the input of the tribes and as a result of that input has made significant modifications to its marketing criteria proposals and processes. As you know, Hoover is a valuable resource that has a long-standing history of competing interests seeking to acquire and retain its output. Western is once again faced with the challenge of navigating and satisfying these many competing interests with a finite resource.

Western remains ready and willing to engage in further tribal consultations with ITCA or individual tribes to ensure tribal interests and input continue to be considered in Western's process.

If you have any questions, please contact Mr. Mike Simonton, Desert Southwest Region's Power Marketing Project Manager, at (602) 605-2675, or email at Simonton@wapa.gov.

Sincerely,

A handwritten signature in black ink that reads "Anita J. Decker". The signature is written in a cursive, flowing style.

Anita J. Decker
Acting Administrator

Enclosure

cc:

Steven Chu
Secretary of Energy
U.S. Department of Energy
1000 Independence Ave., SW
Washington, D.C. 20585

The Honorable John McCain
United States Senate
241 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Jon Kyl
United States Senate
730 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Ed Pastor
United States House of Representatives
2465 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Raul M. Grijalva
United States House of Representatives
1511 Longworth House Office Building
Washington, D.C. 20515

Dated: October 23, 2012.

Kimberly D. Bose,
Secretary.

[FR Doc. 2012-26595 Filed 10-29-12; 8:45 am]
BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Western Area Power Administration

Boulder Canyon Project—Post-2017 Resource Pool

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of proposed marketing criteria.

SUMMARY: The Western Area Power Administration (Western), a Federal power marketing agency of the Department of Energy (DOE), is seeking comments on proposed marketing criteria for allocating the Federal power from the Boulder Canyon Project (BCP). The Conformed Power Marketing Criteria or Regulations for the Boulder Canyon Project (2012 Conformed Criteria) published in the *Federal Register* on June 14, 2012, as required by the Hoover Power Allocation Act of 2011, established a resource pool (Post-2017 Resource Pool) to be allocated to new allottees and general eligibility criteria. Western is proposing for comment additional marketing criteria to be used to allocate the Post-2017 Resource Pool that will become available October 1, 2017. Once determined, these marketing criteria, in conjunction with the 2012 Conformed Criteria, will establish the framework for allocating power from the Post-2017 Resource Pool. This *Federal Register* notice (FRN) is not a call for applications. A call for applications from those interested in an allocation of BCP power will occur in a future notice.

DATES: Entities interested in commenting on proposed marketing criteria must submit written comments to Western's Desert Southwest Customer Service Regional Office at the address below. Western will accept written comments received on or before January 11, 2013. Western reserves the right to not consider any comments received after this date.

Western will hold three public information forums on the proposed marketing criteria. The dates for the public information forums are:

1. November 27, 2012, 1 p.m., PST, Las Vegas, Nevada.
2. November 28, 2012, 1 p.m., MST, Phoenix, Arizona.
3. November 29, 2012, 10 a.m., PST, Ontario, California.

Following the public information forums, Western will hold three public comment forums. The dates for the public comment forums are:

1. December 18, 2012, 1 p.m., PST, Las Vegas, Nevada.
2. December 19, 2012, 10 a.m., PST, Ontario, California.
3. December 20, 2012, 10 a.m., MST, Phoenix, Arizona.

ADDRESSES: Written comments regarding these proposed marketing criteria should be sent to: Mr. Darrick Moe, Desert Southwest Regional Manager, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005-6457. Comments may also be faxed to (602) 605-2490 or emailed to Post2017BCP@wapa.gov.

The public information and public comment forums will be held at: The New Las Vegas Tropicana, 3801 Las Vegas Boulevard South, Las Vegas, Nevada; Fiesta Resort Conference Center, 2100 S. Priest Drive, Tempe, Arizona; DoubleTree Ontario Airport, 222 N. Vineyard, Ontario, California.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Simonton, Public Utilities Specialist, Desert Southwest Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005-6457, telephone number (602) 605-2675, email Post2017BCP@wapa.gov. All comments received in response to this FRN will be posted to Western's Web site at <http://www.wapa.gov/dsw/pwrmtkt>.

SUPPLEMENTARY INFORMATION: The BCP was authorized by the Boulder Canyon Project Act of 1928 (Act) (43 U.S.C. 617). Under Section 5 of the Act, the Secretary of the Interior marketed the capacity and energy from the BCP under electric service contracts effective through May 31, 1987. In 1977 the power marketing functions of the Secretary of Interior were transferred to Western by Section 302 of the Department of Energy Organization Act (42 U.S.C. 7152). Thereafter, on December 28, 1984, Western published the Conformed General Consolidated Criteria or Regulations for Boulder City Area Projects (1984 Conformed Criteria) (49 FR 50582) to implement applicable provisions of the Hoover Power Plant Act of 1984 (43 U.S.C. 619) for the marketing of BCP power through September 30, 2017.

On December 20, 2011, Congress enacted the Hoover Power Allocation Act of 2011 (Pub. L. 112-72) (HPAA), which provides direction and guidance in marketing BCP power after the existing contracts expire September 30, 2017. On June 14, 2012, Western published the 2012 Conformed Criteria

(77 FR 35671) to implement applicable provisions of the HPAA for the marketing of BCP power from October 1, 2017 through September 30, 2067. The 2012 Conformed Criteria formally established a resource pool defined as "Schedule D" to be allocated to new allottees. In accordance with the HPAA, Western allocated portions of Schedule D to the Arizona Power Authority (APA) and the Colorado River Commission of Nevada (CRC), respectively, as described in the June 14, 2012, FRN. Of the remaining portions of Schedule D, Western is to allocate 11,510 kilowatts (kW) of contingent capacity and associated firm energy to new allottees within the State of California, and 69,170 kW of contingent capacity and associated firm energy to new allottees within the Boulder City Area marketing area.

Proposed Post-2017 Resource Pool Marketing Criteria

Western proposes to apply the following general marketing criteria to applicants seeking an allocation of power from the Post-2017 Resource Pool. This includes all prescribed portions of Schedule D power to be allocated by Western as described above.

A. Allocations of power will be made in amounts determined solely by Western in exercise of its discretion under Reclamation Law, including the HPAA.

B. An allottee may purchase power only upon the execution of an electric service contract and satisfaction of all conditions stated within that contract.

C. Eligible applicants, except Native American tribes, must be ready, willing, and able to receive and distribute or use power from Western. Ready, willing, and able means the eligible applicant has the facilities needed for the receipt of power or has made the necessary arrangements for transmission and/or distribution service, and its power supply contracts with third parties permit the delivery of Western's power. Eligible applicants must have the necessary arrangements for transmission and/or distribution service in place by October 1, 2016.

D. An eligible Native American applicant must be an Indian tribe as defined in the Indian Self Determination Act of 1975, 25 U.S.C. 450b, as amended.

E. In determining allocations, Western will give priority consideration in the following order to entities satisfying these marketing criteria:

1. Federally recognized Native American tribes.

2. Municipal corporations and political subdivisions including irrigation or other districts, municipalities, and other governmental organizations; that have electric utility status by April 1, 2014. "Electric utility status" means that the entity has responsibility to meet load growth, has a distribution system, and is ready, willing, and able to purchase Federal power from Western on a wholesale basis.

3. Electric cooperatives and public utilities other than electric utilities that are recognized as utilities by their applicable legal authorities, are nonprofit in nature, have electrical facilities, and are independently governed and financed.

4. Other eligible applicants.

F. In determining allocations, Western will consider existing Federal power resource allocations of the applicants.

G. Western will base allocations to Native American tribes on actual loads experienced in the most recent calendar year. Western may use estimated load values if actual load data is not available. Western will evaluate and may adjust inconsistent estimates during the allocation process. Western is available to assist tribes in developing load estimates.

H. Western will base allocations to eligible applicants on the actual loads experienced in the most recent calendar year and will apply current marketing criteria to these loads.

I. The minimum allocation will be 1,000 kW. Applicants will be allowed to aggregate their loads to meet minimum requirements provided Western is able to schedule power deliveries in quantities of 1,000 kW or greater to the aggregated group. Western will consider making allocations under the 1,000 kW minimum conditioned upon an applicant's ability to aggregate to 1,000 kW or greater for scheduling purposes prior to final allocation determinations.

J. Applicants seeking an allocation as an aggregated group must demonstrate to Western's satisfaction the existence of a contractual aggregation arrangement prior to final allocation determinations. Each member of an aggregated group must meet all eligibility requirements.

K. Contractors must execute electric service contracts within six months of receiving a contract offer from Western, unless Western agrees otherwise in writing.

L. If unanticipated obstacles to the delivery of electric service to a Native American tribe arise, Western retains the right to provide the economic benefit of the resource directly to the tribe.

Regulatory Procedure Requirements

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.

Environmental Compliance

In accordance with the DOE National Environmental Policy Act Implementing Procedures (10 CFR part 1021), Western has determined that these actions fit within a class of action B4.1 Contracts, policies, and marketing and allocation plans for electric power, in Appendix B to Subpart D to Part 1021—Categorical Exclusions Applicable to Specific Agency Actions.

Dated: October 22, 2012.

Anita J. Decker,

Acting Administrator.

[FR Doc. 2012-26685 Filed 10-29-12; 8:45 am]

BILLING CODE 6450-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2011-0966; FRL-9523-7]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Tier 1 Screening of Certain Chemicals Under the Endocrine Disruptor Screening Program (EDSP) (Renewal)

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 an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. The ICR, which is abstracted below, describes the nature of the information collection activity and its expected burden and costs.

DATES: Additional comments may be submitted on or before November 29, 2012.

ADDRESSES: Submit your comments, referencing Docket identification (ID) number (No.) EPA-HQ-OPPT-2011-0966, to (1) EPA online using www.regulations.gov (our preferred method) or by mail to: Pollution Prevention and Toxics Docket, Environmental Protection Agency Docket Center (EPA/DC), Mailcode: 28221T, 1200 Pennsylvania Ave. NW.,

Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: William Wooge, (7203M), Office of Science Coordination and Policy (OSCP), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (202) 564-8476; fax number: (202) 564-8482; email address: wooge.william@epa.gov.

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On August 9, 2012 (77 FR 47640), EPA sought comments on this renewal pursuant to 5 CFR 1320.8(d), and the ICR submitted to OMB includes EPA's responses to the four comments that were received. Any additional comments on the revised ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA EPA-HQ-OPPT-2011-0966, which is available online at <http://www.regulations.gov>, or in person at the OPPT Docket in the EPA/DC, EPA West Room 3334, 1301 Constitution Ave. NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202-566-1744, and the telephone number for the OPPT Docket is 202-566-0280. Use www.regulations.gov to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID number identified for this ICR. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in www.regulations.gov as EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose public disclosure is restricted by statute. For further information about the docket, go to www.regulations.gov.

Title: Tier 1 Screening of Certain Chemicals Under the Endocrine Disruptor Screening Program (EDSP) (Renewal).