

### The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. We call this "scoping". The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of implementing the proposed project under these general headings:

- Geology and soils.
- Water resources, fisheries, and wetlands.
- Vegetation and wildlife.
- Endangered and threatened species.
- Land use.
- Cultural resources.
- Public safety.
- Hazardous waste.

Although practical alternatives to the abandonment are not available to Northern, we will evaluate alternative abandonment methods, such as abandonment in-place or abandonment by removal at selected locations, and make recommendations on how to lessen or avoid impacts on the various resources areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the public participation section on page 4 of this notice.

### Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the abandonment proposal and the environmental information provided by Northern. This preliminary list of issues may be changed based on your comments and our analysis.

- Would removal of the aerial crossings over the Arkansas and Missouri Rivers impact wetlands, fish, and wildlife?
- Would pipeline removal activities cause erosion, compaction, and rutting on about 672 acres of agricultural land within the construction right-of-way?

### Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send two copies of your letter to: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First St., N.E., Room 1A, Washington, DC 20426;
- Label one copy of the comments for the attention of the Environmental Review and Compliance Branch, PR-11.2.
- Reference Docket No. CP99-75-000; and
- Mail your comments so that they will be received in Washington, DC on or before January 18, 1999.

### Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding known as an "intervenor". Intervenors play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to

Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 3). Only intervenors have the right to seek rehearing of the Commission's decision.

You do not need intervenor status to have your environmental comments considered. Additional information about the proposed project is available from Mr. Paul Mckee of the Commission's Office of External Affairs at (202) 208-1088 or on the FERC website ([www.ferc.fed.us](http://www.ferc.fed.us)) using the "RIMS" link to information in this docket number. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208-2222. Access to the texts of formal documents issued by the Commission with regard to this docket, such as orders and notices, is also available on the FERC website using the "CIPS" link. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208-2474.

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

*Acting Secretary.*

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### ENVIRONMENTAL PROTECTION AGENCY

[FRL-6205-2]

#### Agency Information Collection Activities: Proposed Collection; Comment Request; Modification of Secondary Treatment Requirements for Discharges Into Marine Waters

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

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): Modification of Secondary Treatment Requirements for Discharges into Marine Waters, EPA ICR Number 0138.05, OMB Control Number 2040-0088, expiring March 31, 1999. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

**DATES:** Comments must be submitted on or before February 22, 1999.

**ADDRESSES:** U.S. EPA; Office of Wetlands, Oceans and Watersheds; Oceans and Coastal Protection Division (4505F); 401 M Street, SW; Washington, DC 20460. Interested persons may

obtain a copy of the ICR without charge by contacting the person identified below.

**FOR FURTHER INFORMATION CONTACT:** Virginia Fox-Norse, 202-260-8448 (phone), 202-260-9920 (facsimile number), Fox-norse.virginia@epa.gov.

**SUPPLEMENTARY INFORMATION:**

*Affected entities:* Entities potentially affected by this action are those municipalities that currently have section 301(h) waivers from secondary treatment, have applied for a renewal of a section 301(h) waiver, or those with a pending section 301(h) waiver application, and the states within which these municipalities are located.

*Title:* Modification of Secondary Treatment Requirements for Discharge into Marine Waters (OMB Control Number 2040-0088; EPA ICR Number 0138.05), expiring March 31, 1999.

*Abstract:* The section 301(h) program involves collecting information from two sources: (1) the municipal wastewater treatment facility, commonly called a publicly owned treatment works (POTW), and (2) the state in which the POTW is located.

Municipalities had the opportunity to apply for a waiver from secondary treatment requirements, but that opportunity closed in December, 1982. A POTW seeking to obtain a section 301(h) waiver, holding a current waiver or reapplying for a waiver, provides application, monitoring, and toxic control program information. The state provides information on its determination whether the discharge under the proposed conditions of the waiver ensures the protection of water quality, biological habitats, and beneficial uses of receiving waters and whether the discharge will result in additional treatment, pollution control, or any other requirement for any other point or nonpoint sources. The state also provides information to certify that the discharge will meet all applicable state laws and that the state accepts all permit conditions. Regulations implementing section 301(h) of the Clean Water Act (CWA) are found at 40 CFR Part 125, Subpart G.

There are 5 situations where information will be required under the section 301(h) program:

(1) A POTW continuing the application process for a section 301(h) waiver, or reapplying for a waiver; as the permits with section 301(h) waivers reach their expiration dates, EPA must have updated information on the discharge to determine whether the section 301(h) criteria are still being met and whether the section 301(h) waiver should be reissued. Under 40 CFR

125.59(f), each section 301(h) permittee is required to submit an application for a new section 301(h) permittee is required to submit an application for a new section 301(h) modified permit within 180 days of the existing permit's expiration date. 40 CFR 125.59(c) lists the information required for a modified permit. Section 125.59(e) requires additional information to show compliance with applicable pretreatment requirements under section 125.65, and primary or equivalent treatment requirements under section 125.60. The information that EPA needs to determine whether the POTW's reapplication meets the section 301(h) criteria is outlined in the questionnaire attached to 40 CFR Part 125, Subpart G. The questionnaire is similar to the two questionnaires (one for small applicants and one for large applicants) in the 1982 version of the section 301(h) regulations used by POTWs for their original applications. The current questionnaire streamlines the two questionnaires into one, while maintaining similar information requirement according to the size of the applicant.

(2) Monitoring and toxic control program information: Once a waiver has been granted, EPA must continue to assess whether the discharge is meeting section 301(h) criteria, and that the receiving water quality, biological habitats, and beneficial uses of the receiving waters are protected. To do this, EPA needs monitoring information furnished by the permittee. According to 40 CFR 125.68(d), any permit issued with a section 301(h) waiver must contain the monitoring requirements of 40 CFR 125.63(b), (c), and (d) for biomonitoring, water quality criteria and standards monitoring, and effluent monitoring, respectively. section 125.68(d) also requires reporting at the frequency specified in the monitoring program. In addition to monitoring information, EPA needs information on the toxics control program required by section 125.66 to ensure that the permittee is effectively minimizing industrial and nonindustrial toxic pollutant and pesticide discharges into the treatment works.

(3) Application revision information: Section 125.59(d) of 40 CFR allows a POTW to revise its application one time only, following a tentative decision by EPA to deny the waiver request. In its application revision, the POTW usually corrects deficiencies and changes proposed treatment levels as well as outfall and diffuser locations. The application revision is a voluntary submission for the applicant, and a letter of intent to revise the application

must be submitted within 45 days of EPA's tentative decision (40 CFR 125.59(f)). EPA needs this information to evaluate revised applications to determine whether the modified discharge will ensure protection of water quality, biological habitats, and beneficial uses of receiving waters.

(4) Additional information to respond to the CWA: Section 125.59(e) requires additional information to show compliance with applicable pretreatment requirements under section 125.65, and primary or equivalent treatment requirement under section 125.60. Although this information is requested in the application questionnaire, it is still treated separately because demonstration of meeting these requirements was also required, independent of reapplications, by the 1994 revised regulations.

(5) State determination and state certification information: For revised or renewal applications for section 301(h) waivers, as well as for applicants submitting additional information on the urban area pretreatment program and on primary or equivalent treatment, EPA needs a state determination. The state determines whether all state laws (including water quality standards) are met to ensure that water quality, biological habitats, and beneficial uses of receiving waters are protected. Additionally, the state must determine if the applicant's discharge will result in additional treatment, pollution control, or any other requirement for any other point or nonpoint sources. This process allows the state's views to be taken into account when EPA reviews the section 301(h) application and develops permit conditions. For revised and renewed section 301(h) waiver applications, EPA also needs the CWA section 401(a)(1) certification information to ensure that all state laws are met by any permit it issues with a section 301(h) modification, and the state accepts all the permit conditions. This information is the means by which the state can exercise its authority to concur with or deny a section 301(h) decision made by the EPA Regional Office.

The EPA is soliciting comment to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

**Burden Statement:** The estimated annual average burden for the 55 respondents totals 71,049 hours for this information collection. The average annual reporting burden varies depending on the size of the respondent and the category of the information collection. The frequency of response varies from 1 time to once every five years, to case-by-case, depending on the category. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

Please send comments regarding these matters, or any other aspect of information collection, including suggestions for redoing the burden, to the address listed above.

Dated: December 14, 1998.

**Robert H. Wayland, III**

Director, Office of Wetlands, Oceans and Watersheds.

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**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-6207-5]

**Agency Information Collection Activities: Proposed Collection; Comment Request; Approval of State Coastal Nonpoint Pollution Control Programs**

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

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): Approval of State Coastal Nonpoint Pollution Control Programs, EPA ICR Number 1569, and OMB Control Number 2040-0153, expiring on January 31, 1999. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

**DATES:** Comments must be submitted on or before February 22, 1999.

**ADDRESSES:** Comments should be sent to, and copies of the ICR may be obtained without charge from, the Nonpoint Source Control Branch, Assessment and Watershed Protection Division (4503-F), U.S. Environmental Protection Agency, 401 M Street SW, Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** Dov Weitman at (202) 260-7088 (phone), (202) 260-7024 (facsimile), weitman.dov@epamail.epa.gov (E-Mail); or Stacie Craddock at (202) 260-3788 (phone), (202) 260-1977 (facsimile), craddock.stacie@epamail.epa.gov (E-Mail).

**SUPPLEMENTARY INFORMATION:**

**Affected entities:** Entities potentially affected by this action are 24 states and 5 territories with conditionally approved Coastal Nonpoint Pollution Control Programs (CZARA section 6217).

**Title:** Approval of Coastal Nonpoint Pollution Control Programs, (OMB Control No. 2040-0153; EPA ICR No. 1569) expiring January 31, 1999.

**Abstract:** Under the provisions of national Program Development and Approval Guidance implementing section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA) which was jointly developed and published by EPA and the National Oceanic and Atmospheric Administration (NOAA), 24 coastal

states and 5 coastal territories with Federally approved Coastal Zone Management Programs have developed and submitted to EPA and NOAA Coastal Nonpoint Pollution Programs. All the submitted programs have been conditionally approved by EPA and NOAA. The conditional approvals will require states and territories to submit additional information in order to obtain final program approval. Recent administrative changes mutually agreed to by states, territories, EPA and NOAA are expected to expedite the final approval process. CZARA section 6712 requires states and territories to obtain final approval of their Coastal Nonpoint Pollution Programs in order to retain their full share of funding available to them under section 319 of the Clean Water Act and section 306 of the Coastal Zone Management Act. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

**Burden Statement:** The original Information Collection Request estimated that the reporting burden to develop and obtain approval of Coastal Nonpoint Pollution Control Programs under the national Program Development and Approval Guidance would average 1,874 hours per respondent over the 3-year term of the collection effort. Because all affected coastal states and territories have completed development and obtained conditional approval of their Coastal Nonpoint Pollution Control Programs and now need only to remove the existing conditions to obtain final