

US EPA ARCHIVE DOCUMENT

through December 31, 1995) the demand charges and demand charge adjustments which Northwest Alaskan will charge during the period.

Northwest Alaskan requests that Thirty-Sixth Revised Sheet No. 5 become effective July 1, 1995.

Northwest Alaskan States that a copy of this filing has been served on Northwest Alaskan's customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before May 24, 1995. 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 petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 95-12529 Filed 5-22-95; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP95-217-001]

Trunkline Gas Company; Notice of Compliance Filing

May 17, 1995.

Take notice that on May 12, 1995, Trunkline Gas Company (Trunkline) tendered for filing revised working papers reflecting its Initial Stranded Transportation (IST) Cost Surcharge reconciliation to reflect the calculation of interest on excess recoveries in compliance with Ordering Paragraph (C) of the Commission's Order of April 27, 1995 in Docket No. RP95-217-000.

Trunkline states that copies of this filing have been served on all affected customers and applicable state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before May 24, 1995. 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. Copies of this filing are on file with the

Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 95-12530 Filed 5-22-95; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP95-3-004]

Williams Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

May 17, 1995.

Take notice that on May 12, 1995, William Natural Gas Company (WNG) tendered for filing as part of its FERC Gas Tariff, Second Revised Sheet No. 11, Second Substitute First Revised Sheet No. 12. The proposed effective date of this tariff sheet is November 5, 1994.

WNG states that this filing is being made in compliance with Commission order issued May 2, 1995 in Docket No. RP95-3. WNG was directed by the order to file, within 30 days of the issuance of the order, actual tariff sheets reflecting the \$35 million direct bill that eliminates the small municipal customers identified in WNG's Small Customer Settlement filed October 5, 1994, in Docket No. RP95-3-001.

WNG states that a copy of its filing was served on all jurisdictional customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests should be filed on or before May 24, 1995. 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. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,
Secretary.

[FR Doc. 95-12531 Filed 5-22-95; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP95-296-000]

Williams Natural Gas Co.; Notice of Proposed Changes in FERC Gas Tariff

May 17, 1995.

Take notice that on May 12, 1995, Williams Natural Gas Company (WNG) tendered for filing as part of its FERC

Gas Tariff, Second Revised Volume No. 1, First Revised Sheet No. 253. The proposed effective date of this tariff sheet is June 15, 1995.

WNG states that the purpose of the instant filing is to amend Article 14 of the General Terms and Conditions of WNG's FERC Gas Tariff to provide for the extension of WNG's pricing differential mechanism (PDM) until October 1, 1997. The Commission has previously held that PDMs will continue for two years from the effective date of Order No. 636 restructuring. While WNG's FERC Gas Tariff does not explicitly so provide, WNG's PDM would expire on October 1, 1995.

WNG states that a copy of its filing was served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before May 24, 1995. 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 in the Public Reference Room.

Lois D. Cashell,
Secretary.

[FR Doc. 95-12532 Filed 5-22-95; 8:45 am]
BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5197-9]

Regulatory Reinvention (XL) Pilot Projects

AGENCY: Environmental Protection Agency (EPA).

ACTION: Solicitation of proposals and request for comment.

SUMMARY: EPA is announcing a set of actions to give regulated sources the flexibility to develop alternative strategies that will replace or modify specific regulatory requirements on the condition that they produce greater environmental benefits. This document announces three of EPA's regulatory

reinvention pilot programs: the XL program for facilities; the industry-wide or sector-based XL program; and XL program dealing with government agencies regulated by EPA. EPA invites private and public entities or groups of entities regulated by EPA under its various statutory authorities to submit proposals in these areas. Proposals for a fourth area—the community-based XL program—will be accepted at a later time. This document also invites interested members of the public to comment on all aspects of these programs. The document responds to President Clinton's announcement, contained in the March 16, 1995, document Reinventing Environmental Regulation, that EPA would implement pilot programs to develop innovative alternatives to the current regulatory system. EPA has set a goal of implementing a total of fifty projects in the four program areas. Each project will involve the exercise of regulatory flexibility by EPA in exchange for a commitment on the part of the regulated entity to achieve better environmental results than would have been attained through full compliance with all applicable regulations. This program will be undertaken in full partnership with the states. These pilots complement EPA's ongoing regulatory reinvention activities, including the Common Sense Initiative and the Environmental Leadership Program. This summer, EPA will select up to six project proposals and begin the development of a final project agreement. Final Project Agreements for the remaining pilots will be based on EPA's learning experience on the initial projects.

The document includes background information on the programs; a description of the programs; their relationship to other regulatory reinvention activities; the criteria, process, and timing for the selection of projects; an invitation for public comment; and the Information Collection Request document required by the Paperwork Reduction Act.

DATES: The period for submission of proposals will begin upon EPA's announcement in the **Federal Register** that clearance has been obtained under the Paperwork Reduction Act, allowing EPA to accept proposals. This will be an open solicitation with no set end date, and project proponents may submit more than one project proposal. The period for comment on all aspects of the programs will begin with publication of this document and extend for thirty days. The period for comment on the attached Information Collection Request

will begin with the publication of this document and extend for ten days.

ADDRESSES: Project proposals and all comments should be sent to: Regulatory Reinvention Pilot Projects, FRL-5197-9, Water Docket, Mail Code 4101, US EPA, 401 M Street, SW., Washington, DC, 20460. The docket accepts no faxes. In addition to providing general information about the proposed project, project proponents are encouraged to comment on the relationship of their proposals to the criteria for project selection described in this notice. Proponents of projects are invited, but by no means required, to submit other useful materials in paper or other audio/visual or electronic formats.

FOR FURTHER INFORMATION CONTACT: Jon Kessler, Office of Policy, Planning and Evaluation; United States Environmental Protection Agency; West Tower 1013; 401 M Street, SW.; Mail Code 2111; Washington, DC, 20460. The telephone number for the Office is (202) 260-4034. The facsimile number is (202) 401-6637.

SUPPLEMENTARY INFORMATION:

Background

Over the last two years, the Environmental Protection Agency has charted a course designed to demonstrate that environmental goals can best be achieved by providing regulatory and policy flexibility while maintaining accountability, that flexibility can also provide greater protection at a lower cost, that better decisions result from a collaborative process with people working together, and that environmental solutions are often achieved by focusing efforts at the facility or place where protection is being sought. EPA has found that allowing facilities, communities, and other entities to explore non-traditional pollution control solutions can result in regulated entities achieving environmental protection results beyond those anticipated by current regulations or policies. Often these alternative approaches can produce cheaper, more efficient results as well.

Description of the Programs

On March 16, 1995, the President announced as part of his National Performance Review regulatory reinvention initiative that EPA would develop a set of pilot projects that provide the flexibility to test alternative strategies to achieve environmental goals. The initiative will give a limited number of regulated entities an opportunity to demonstrate excellence and leadership. They will be given the flexibility to develop alternative

strategies that will replace or modify specific regulatory requirements on the condition that they produce greater environmental benefits. In exchange for greater flexibility, regulated entities will be held to a higher standard of accountability for demonstrating project results. This **Federal Register** Notice is a solicitation for pilot project proposals in the three general areas: Industry-wide projects (XL for Sectors); facility based projects (XL for Facilities); and government agency projects (XL for Government). Proposals are invited from groups of firms in an industry, individual regulated facilities, and government agencies regulated by EPA.

These projects will require the participation of state and tribal regulatory agencies. In most cases, these agencies are full partners with EPA as they implement EPA programs that have been delegated to them. EPA is taking a decentralized or "franchising" approach to the implementation of XL programs. Under this approach, individual projects will be managed in most cases by the units of government that are best suited to address the issues raised by the projects. These may be state or tribal environmental agencies that are co-regulators with EPA, EPA headquarters, or EPA regional offices. As they develop project proposals, project proponents should coordinate with and gain the support of their state and tribal environmental agencies that have regulatory responsibility within the scope of the project. In addition to their role as co-regulators, these same agencies, as well as other local government agencies, are major stakeholders in the management of environmental quality. As such, their support for project proposals should be sought in any case.

Selection and participation in the program will proceed as indicated in the flow chart that follows. EPA expects that there will be competition among project proponents for acceptance into the program. The first stage in the process begins with the publication of this notice. Those who have projects meeting the listed criteria are encouraged to submit initial project proposals. EPA will then review submissions to select those that do most to advance the purposes of this program. An internal review process has been established to evaluate proposals submitted in response to this notice. This group, consisting of representatives of state and tribal environmental agencies as well as EPA headquarters and regional offices, will screen all proposals, considering the criteria described in this notice, and recommend proposals for further

development. The group may also seek additional comment from relevant local environmental officials.

Based on the recommendations of the review group, EPA will invite particular project proponents to join with state or tribal environmental agencies as well as other coregulators, to develop a Final Project Agreement. EPA will encourage project proponents at this stage to incorporate their project plans into the overall strategic plan of the business entity. In any case, the responsibility for developing detailed project plans that address the program criteria will be with the project proponents. Only the signing of a Final Project Agreement will constitute the selection of a pilot as a full fledged pilot project. Parties to the Final Project Agreement should include

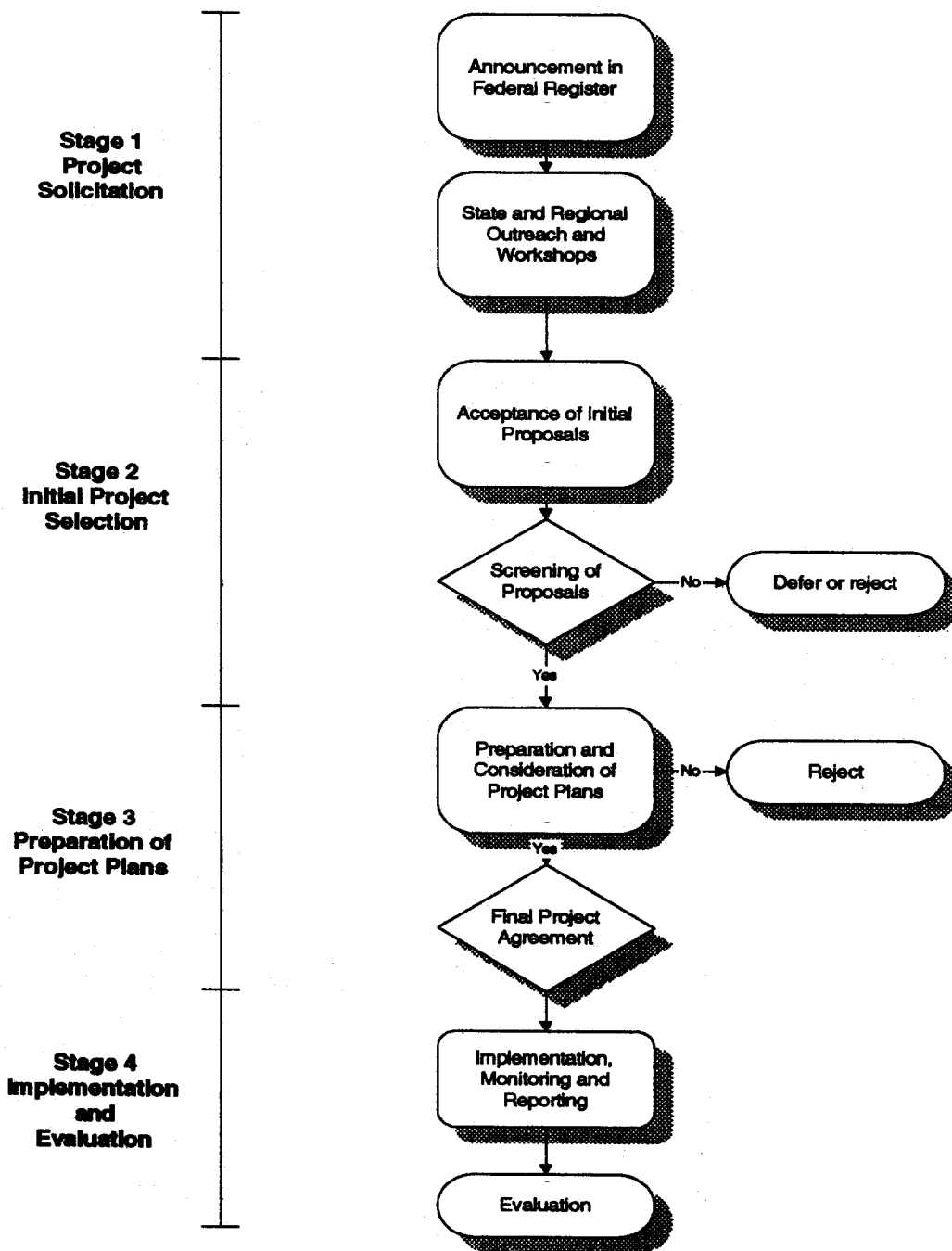
at least EPA, project proponents, state or tribal environmental agencies, as well as other co-regulators. These agreements will deal with project-specific issues such as legal authority for project implementation, provision for regulatory flexibility for pilots, public involvement, specific commitments to environmental progress, expected environmental results, enforceability, etc. Each Final Project Agreement should clearly set forth objective, specific requirements that the subject facility or facilities have agreed to meet. EPA anticipates that the agreements will be structured so that any enforcement relief EPA has provided with respect to applicable regulatory requirements will be conditioned on the facilities'

compliance with the specified requirements. EPA invites project proponents to include, in their proposals, suggestions for additional or alternative approaches to enforcing these requirements. Unless otherwise agreed to by both EPA and the proponent, the time to negotiate and sign a Final Project Agreement should be limited to six months from the date of initial project acceptance. The final phase of the program involves implementation, monitoring, and evaluation of the agreement terms.

EPA will hold a series of state and regional workshops to provide additional information on the programs and on project proposal development.

BILLING CODE 6560-50-M

Flow Chart for Pilot Projects



BILLING CODE 6560-50-C

US EPA ARCHIVE DOCUMENT

Data Quality Issues

To demonstrate that an alternative environmental management strategy is more effective than existing and reasonably foreseeable future regulatory requirements, project proponents should estimate both the baseline result from these requirements and the environmental results from the alternative strategy for their specific projects. These estimates are likely to be uncertain due to scientific and/or engineering questions as well as to interpretations of future applicable regulatory requirements. An important element of the Final Project Agreement will be an explicit statement concerning what data and analyses are needed to make these findings. The Final Project Agreement will be based on the learning experience EPA has with the projects it initially selects.

Project Examples

Consistent with EPA's objective to develop and demonstrate more flexible environmental management strategies, EPA intends to be flexible in entertaining proposals pursuant to this notice. In evaluating proposals, EPA will consider the selection criteria included in this notice. EPA also encourages proponents of proposals to be creative in suggesting alternative strategies and new forms of flexibility. To help stimulate such creativity, we provide the following guidance for the three different types of pilot projects. These examples are intended to be illustrative only; EPA encourages the submission of other types of projects that address the selection criteria and that have the strong prospect of producing "cleaner, cheaper, smarter" results compared to the current system.

Facility-based XL projects. National environmental requirements may not always be the best solution to environmental problems. Substantial cost savings can sometimes be realized, and environmental quality enhanced, through more flexible approaches involving pollution prevention. Pilot projects focused on individual facilities should test alternatives to current environmental management approaches driven by compliance with existing regulations. Taking account of facility-specific circumstances, the overall objective should be to devise and test more flexible approaches that result in both better environmental results and reduced compliance costs.

Industry-wide XL projects. The many regulations affecting an industry are often promulgated piecemeal over a long period of time rather than as a comprehensive environmental program.

In many cases, national regulations apply relatively uniform requirements to many industries with very different environmental and economic characteristics. Pilot projects addressing these problems might take many forms. One example is the approach taken in The Netherlands, where overall environmental performance objectives and emission reduction targets for entire industries are negotiated between trade associations and the government, followed by enforceable facility-specific agreements to implement the industry-wide goals. Such projects might take the form of combining all federal (and possible state) requirements for an industry into a single, integrated Final Project Agreement. Sector-based and place-based strategies might be combined in a project that focused on a number of facilities in the same or related industries within a given geographic region or ecosystem. Projects might propose development of enforceable "best management practices" for pollution prevention or pilot the application of upcoming ISO 14000 voluntary environmental standards within a specific industry sector. EPA also encourages projects that combined an industry-wide component with facility-specific pilots to test the industry-wide strategy being developed.

XL projects for government agencies regulated by EPA. Government agencies, in the management of their facilities, have the same environmental responsibilities and face many of the same regulatory issues as private businesses. Agency-sponsored projects might test concepts with broad application in both public and private sector facilities. In seeking to comply with environmental statutes, however, government agencies also face unique obstacles and often have unique opportunities to innovate. Pilot projects in this category might address themselves to the unique issues faced by government agencies, such as the optimization of environmental control strategies over the long term in the context of annual budgeting, or the ability to reduce overall compliance costs by controlling specific pollution sources out of reach of environmental regulators. Outside of the process described today, the Department of Defense and EPA are working to develop pilot projects at two to four DOD facilities. The DOD pilots will seek to define performance goals and create an optimal approach to achieve those goals, combining compliance with unique pollution prevention and technology resources available to DOD.

Relationship of Pilots to Other Reinvention Efforts

The Common Sense Initiative was launched to move the Agency beyond the traditional medium by medium approach to environmental management to a systematic, sector-based approach. Announced in July 1994, the CSI focuses on six industry sectors—auto manufacturing, computers and electronics, iron and steel, metal finishing, petroleum refining, and printing industries. Each is directed by a consensus-based, multi-stakeholder advisory subcommittee, with CSI as a whole directed by the Common Sense Initiative Council operating under the Federal Advisory Committee Act. The purpose of CSI is to recommend changes in environmental regulations, statutes and programs that will result in "cleaner, cheaper, and smarter" outcomes for entire industries. Such changes, when accepted and promulgated, will lead to permanent adjustments to current programs.

Each of the CSI sector-specific subcommittees is developing a plan covering a broad spectrum of activities including (but not limited to) regulations, pollution prevention, reporting requirements and public access to data, permitting, innovative compliance assistance and enforcement, and innovative technology. In some cases, these plans will include projects that meet the criteria outlined today for regulatory reinvention pilots. Firms or other project sponsors in CSI industries are encouraged to develop XL projects. Project sponsors in CSI industries considering such projects should work through CSI in order to develop them. This will enable them to take advantage of the substantial progress being made through CSI including established stakeholder committees, working relationships among stakeholders, and progress toward identifying common concerns. (Project sponsors in CSI industries should contact Vivian Daub, Interim Director, Common Sense Initiative, at (202) 260-7417.)

The Environmental Leadership Program (ELP) grew out of a desire to test innovative compliance approaches such as third-party auditing. It is one of the means for streamlining compliance oversight as referenced in the President's March 16 announcement. ELP allows facilities to identify ways to streamline reporting requirements and reduce compliance inspections, without sacrificing environmental and public health protection. Facilities will use innovative management techniques such as environmental auditing and pollution prevention to reduce the

burden of paperwork and inspections on the facilities, while enhancing compliance with existing environmental laws. At the completion of these one-year pilot projects, the lessons learned from these projects will be applied to others.

ELP differs from the XL programs being announced today in that the XL programs include flexibility from existing regulation in exchange for the attainment of environmental results beyond what would have been achieved through full compliance with those regulations. ELP projects, on the other hand, work to achieve improvements in environmental quality within existing regulatory requirements.

EPA expects that compliance-oriented ELP projects may include regulatory innovations, and that some projects conducted pursuant to today's notice will also address compliance systems. EPA welcomes XL program proposals from ELP participants. (For information on ELP contact Tai-Ming Chang, Director, Environmental Leadership Program, at (202) 564-5081.)

Legal Mechanisms for Pilot Projects

EPA will seek to use a variety of administrative and compliance mechanisms to provide regulatory flexibility for final project agreements. Where a pilot project does not fully comply with one or more environmental requirements (e.g., where a facility does not fully attain a technology-based emission or discharge standard but adopts a pollution prevention program or installs additional controls on other releases so as to achieve superior environmental results at the facility), EPA will use enforcement mechanisms to facilitate the projects. These will be conditioned on the pilot project meeting requirements specified in the project plan. In particular circumstances, EPA may consider changes in underlying regulations, or may seek changes in underlying statutes. EPA recognizes that these questions raise issues of importance both to the Government and to potential participants in regulatory pilot projects. Applicants are invited to present EPA with proposed approaches tailored to provide the regulatory flexibility for their pilot projects.

Project Criteria

EPA will consider the following criteria in evaluating pilot project proposals:

1. Environmental results. Projects that are chosen should be able to achieve environmental performance that is superior to what would be achieved through compliance with current and reasonably anticipated future regulation.

"Cleaner results" can be achieved directly through the environmental performance of the project or through the reinvestment of the cost savings from the project in activities that produce greater environmental results. Explicit definitions and measures of "cleaner results" should be included in the project agreement negotiated among stakeholders.

2. Cost savings and paperwork reduction. The project should produce cost savings or economic opportunity, and/or result in a decrease in paperwork burden.

3. Stakeholder support. The extent to which project proponents have sought and achieved the support of parties that have a stake in the environmental impacts of the project is an important factor. Stakeholders may include communities near the project, local or state governments, businesses, environmental and other public interest groups, or other similar entities.

4. Innovation/Multi-Media Pollution Prevention. EPA is looking for projects that test innovative strategies for achieving environmental results. These strategies may include processes, technologies, or management practices. Projects should embody a systematic approach to environmental protection that tests alternatives to several regulatory requirements and/or affects more than one environmental medium. EPA has a preference for protecting the environment by preventing the generation of pollution rather than by controlling pollution once it has been created. Pilot projects should reflect this preference.

5. Transferability. The pilots are intended to test new approaches that could conceivably be incorporated into the Agency's programs or in other industries, or other facilities in the same industry. EPA is therefore most interested in pilot projects that test new approaches that could one day be applied more broadly.

6. Feasibility. The project should be technically and administratively feasible and the project proponents must have the financial capability to carry it out.

7. Monitoring, reporting and evaluation. The project proponents should identify how to make information about the project, including performance data, available to stakeholders in a form that is easily understandable. Projects should have clear objectives and requirements that will be measurable in order to allow EPA and the public to evaluate the success of the project and enforce its terms. Also, the project sponsor should

be clear about the time frame within which results will be achievable.

8. Shifting of risk burden. The project must be consistent with Executive Order 12898 on Environmental Justice. It must protect worker safety and ensure that no one is subjected to unjust or disproportionate environmental impacts.

EPA intends to work cooperatively with project proponents to develop and refine acceptable approaches. At the same time, the Agency must retain the ultimate authority to select projects based on a qualitative consideration of these criteria. Moreover, given the pilot nature of the programs proposed today and the limited number of slots, projects that satisfy many or all of the criteria may nonetheless not be selected if, in the Agency's judgment, other proposed projects better serve the objectives of the program. Moreover, no person is required to submit a proposal or obtain approval as a condition of commencing or continuing a regulated activity. Accordingly, there will be no formal administrative review available for proposals that are not selected, nor does EPA believe there will be a right to judicial review.

Timing for Project Selection

EPA intends to invite selected project proponents to negotiate final project agreements on a phased basis, with a small number of early selections followed by a period of project selection on a rolling basis. This summer, EPA plans to invite approximately six project proponents to begin the development of a Final Project Agreement. Beyond that date, project proponents will be invited to enter the next phase of the program on a rolling basis. EPA intends to select and initiate approximately 50 pilot projects within the next two years.

Request for Comment on Aspects of Program Pilots

Interested members of the public are invited to comment on all aspects of the pilot project program. EPA requests specific comment on the legal mechanisms for implementing project agreements, and the data requirements for determining both existing environmental baselines and the level of environmental quality that would result from the project agreement.

Paperwork Reduction Act

The information collection provisions in this notice, including the request for proposals, have been submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* An Information Collection Request

document has been prepared by EPA (ICR No. 1749.01) and is attached as an appendix to this notice. Additional copies may be obtained from Sandy Farmer, Information Policy Branch; EPA, 401 M Street, SW. (Mail Code 2136); Washington, DC 20460 or by calling (202) 260-2740. These information collection provisions are not effective until OMB approves them and a notice of OMB approval containing the ICR control number is published in the **Federal Register**. EPA will announce by separate Federal Register notice when proposals may be submitted.

Public reporting burden for this collection of information is estimated to average 150 hours per application response, including: time for reviewing instructions; developing the proposal; reviewing the proposal through respondent management; and consulting in some fashion with state or tribal co-regulatory agencies as encouraged in the solicitation. An additional 10 hours per respondent are estimated to be required of the state and tribal agencies consulted in the development of project proposals.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Chief, Information Policy Branch; EPA; 401 M Street, SW. (Mail Code 2136); Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA." The period of comment for the Information Collection Request will begin with the publication of this notice and extend for ten days.

Dated: May 17, 1995.

Fred Hansen,

Deputy Administrator.

Solicitation for Proposals for Regulatory Reinvention Pilot Projects—Supporting Statement for Information Collection Request (#1749.01)

1. Identification of the Information Collection

1(a) Title and Number of the Information Collection

Title: Regulatory Reinvention Pilot Projects

1(b) Short Characterization

This is a solicitation for proposals for a new program established pursuant to President Clinton's March 16, 1995, National Performance Review initiative: Reinventing Environmental Regulation. Regulatory Reinvention Pilot Projects are a set of pilot projects to test

performance-based environmental management systems as alternatives to command and control regulatory approaches. These projects (called Project XL) are divided into four categories: facility-based projects, industry- or sector-based projects, community-based projects, and government agency-based projects. Under these projects, regulated entities will be given flexibility to depart from existing regulatory requirements in exchange for enforceable commitments to achieve environmental results that, on the whole, go beyond what would have been achieved through full compliance with those regulations. A competitive proposal process will allow us to select those projects that show the most promise to demonstrate successful alternative environmental management strategies.

The information will be collected by EPA's Office of Policy, Planning, and Evaluation (OPPE), which has been given responsibility for implementation of this program. The program itself will include other offices within EPA headquarters, EPA regions, state and tribal environmental agencies. The solicitation will help us identify those regulated entities who are interested in participating in Project XL pilot projects, the types of projects they are interested in pursuing, and the extent to which those projects our criteria for project selection. EPA has no form that is designated for a collection of this type.

This solicitation for proposals will be included in a **Federal Register** notice announcing Project XL, and will be sent to parties that have already expressed interest in developing pilot projects. Potential project proponents will mail completed proposals to the Office of Policy, Planning and Evaluation at EPA. The proposals will be distributed to a cross-agency review group that will evaluate and select proposals for initial participation in pilot project development. The process is further described in the attached notice.

2. Need for and Use of the Collection

2(a) Need/Authority for the Collection

The information is needed to implement the regulatory reinvention pilot project initiative outlined by President Clinton in his Reinventing Environmental Regulation directive. Under this initiative, EPA is to solicit its regulated entities for their best ideas on regulatory reinvention, and for pilot projects to test those ideas.

2(b) Use/Users of the Data

The proposals collected pursuant to this solicitation will be used as the starting point for development of full-fledged pilot projects. A competitive process will ensure that EPA can choose from a pool of useful project ideas. Moreover, a simple and flexible proposal format such as envisioned here will allow a diversity of regulated entities, small as well as large firms, agencies, and communities, to develop proposals. EPA will use the proposal submissions to screen ideas and select the most promising ones for further development.

3. The Respondents and the Information Requested

3(a) Respondents/SIC Codes

Potential respondents include all entities regulated by EPA pursuant to its authority under the various environmental statutes who wish to participate in the regulatory reinvention pilot project program.

3(b) Information Requested

The attached notice does not specify a format for proposals. It requests that proposals include, " * * * in addition to providing general information about the proposed project, project proponents are encouraged to comment on the relationship of their proposals to the criteria for project selection described in this notice. Proponents of projects are invited, but by no means required, to submit other useful materials in paper or other audio/visual or electronic formats." As noted earlier, EPA's goal is to create as flexible as possible a solicitation process.

The nature of activities respondents are expected to conduct include: preparation of technical proposals, discussion with management of the respondent, consultation with state, tribal agencies, local governments and community or environmental stakeholders, and clerical matters related to project proposal. In technical preparation, respondents are encouraged to address the nine criteria described in the attached notice. Respondents are expected to describe the nature of control, pollution prevention, or other activities to be undertaken as part of the project; to define the scope of regulatory flexibility needed to undertake these activities (i.e. The otherwise required actions to be forgone in this project); and to discuss the nature of stakeholder or other processes the project would propose in order to move to Final Project Agreement. Proposals would likely

require some level of management sign-off from the respondent.

There is no recordkeeping requirement. Time for management discussions is also included in burden estimates. The notice strongly encourages consultation with state, tribal and community stakeholders, such as holding a meeting with the applicable regulatory agency.

4. The Information Collected—Agency Activities, Collection Methodology, and Information Management

4(a) Agency Activities

EPA will receive proposals and will develop a method for screening them based on the criteria described in the attached notice. These proposals will then be distributed to the cross-agency workgroup, with proposals addressing specific areas of regulatory policy highlighted to those parts of EPA with specific interest in those areas.

Although the number of proposals submitted in response to this notice is a matter of speculation, EPA has estimated that it will be between one hundred and five hundred. EPA intends to ultimately implement about 50 projects. As such, proposals that clearly violate or do not address the criteria will be screened out at this point.

However, OPPE intends to provide the other EPA, state and tribal agencies participating in the cross-agency project selection process maximum opportunity to view project proposals. As such, most proposals will be distributed directly to the committee without initial screening.

As was noted earlier, this will be an open solicitation following a "rolling admissions" model with no set end date. (A cutoff will ultimately be announced via a future **Federal Register** notice.) As such, proposals will be screened and reviewed as they arrive. Once screened and reviewed, proposals will be responded to in one of three fashions. Proposals will be rejected, and proposers thanked for their interest. Proposals will be accepted, and proponents invited to participate in the development of Final Project Agreements, or proposals will be deferred for future consideration. In this instance, EPA may discuss with the project proponent ways to increase the attractiveness of the proposal.

4(b) Collection Methodology and Management

This notice was developed by a team consisting of EPA headquarters and regional personnel; and representatives of state environmental agencies, through the Environmental Commission of the States. EPA also held discussions with

a number of program stakeholders, including environmental and regulated community organizations. Also, a number of comments on the solicitation process were received unsolicited in response to President Clinton's March 16 directive and follow up press coverage of the regulatory reinvention effort. The solicitation process is the result of all of these comments and opinions.

The collection process will be as follows. EPA will place this solicitation in the **Federal Register**. EPA will also distribute copies upon request, and participate where invited in workshops designed to assist potential project proponents in development of proposals. Proposals will be sent to an EPA docket, where they will be logged in and catalogued. The docket will retain a copy for archival purposes, and display a copy for public viewing. Three additional copies will then be sent to OPPE for screening, reference purposes, and distribution to the cross-agency committee for proposal review. OPPE has also developed a Lotus Notes database for purposes of tracking proposals and telephone or other inquiries related to them.

4(c) Small Entity Flexibility

The flexible proposal process described earlier is designed to be useful to large as well as small entities. It was designed to be simple to respond to, with no undue burden on entities without full-time environmental managers, etc. EPA does not expect that this solicitation would impose additional burdens on small entities.

4(d) Collection Schedule

This will be an open solicitation for proposals, beginning with publication of the attached notice and with no set end date. In terms of choosing projects for initial participation in the program, EPA intends to select up to six projects by mid-June.

5. Nonduplication, Consultations, and Other Collection Criteria

5(a) Nonduplication

EPA does not have a form that would collect the information needed under the Regulatory Reinvention Pilot Projects pursuant to the recommendations of our cross-agency committee. Nor do existing databases of project proposals (e.g. Environmental Technology Initiative) provide a useful source of projects for this effort.

5(b) Consultations

This notice was developed by a team consisting of EPA headquarters and regional personnel; and representatives

of state environmental agencies, through the Environmental Commission of the States. EPA also held discussions with a number of program stakeholders, including environmental and regulated community organizations. Also, a number of comments on the solicitation process were received unsolicited in response to President Clinton's March 16 directive and follow up press coverage of the regulatory reinvention effort. The solicitation process is the result of all of these comments and opinions.

5(c) Not Applicable

5(d) Not Applicable

5(e) Not Applicable

6. Estimating the Burden and Cost of the Collection

6(a) Respondent Burden

This section presents EPA's estimates of the burden hours and cost to complete the information collection activities associate with this collection. In using this analysis, however, it should be remembered not only that all responses to this solicitation are voluntary, but also that respondents have some expected value attached with their participation. Fundamental to projects in this program will be reduced cost of compliance due to increased regulatory flexibility. Not unlike a contracts-based Request For Proposals, one would not expect a response from any entity where the burdens associated with preparing the response outweigh the expected benefits to the respondent.

As noted earlier, EPA estimates the number of response proposals pursuant to this solicitation to be approximately 100 to 500. Estimating respondent costs in developing proposals is made difficult by the extremely flexible approach to this solicitation. Recall that the solicitation does not specify the form or nature of responses, except to give respondents a sense that only brief proposals (no more than 10 pages) are requested. EPA has already received several unsolicited proposals in response to the March 16, 1995, Reinventing Environmental Regulation document in which the pilot project programs were announced. To estimate the cost of proposal development, EPA asked (via telephone conversation) a sample of seven of these proposal sponsors to estimate the cost of preparing their unsolicited submissions. The data presented here are based on the median of their responses.

The proposal development process is, for these purposes, divided into four phases: technical aspects, management discussion, consultation with

government agencies and other potential stakeholders, and clerical preparation. Technical aspects cover development of the substantive portions of the proposal. The average for technical aspects of proposal development is estimated at 50 person hours. Management discussion covers presentation and refinement of proposals at corporate or other entity management levels. Management time also includes estimates of legal review,

which though technical, has higher than average technical labor costs. The average time for management level discussions is estimated at 30 person hours. The solicitation strongly encourages project proponents to seek the support of state or tribal environmental agencies in advance of proposal to EPA. Although none of our unsolicited respondents had actively pursued this, they estimated the cost of

doing so at approximately 60 person hours of management and technical time for the regulated entities, and 10 person hours of mixed management and technical time for the state or tribal agency. Clerical aspects of the proposal, such as typing, mailing, etc., were estimated at 10 hours. These figures, along with labor costs associated with them, are summarized in Figure 1.

FIGURE 1.—ESTIMATE OF RESPONDENT BURDEN AND COSTS

	Hours			
	Management	Technical	Clerical	Total
Prepare technical proposal	10	35	5	50
Discuss with management	25	5	.....	30
Consult with state/tribal agencies	40	20	.....	60
Clerical aspects of proposal .....	.....	.....	10	10
Subtotal—technical proposal	75	60	15	150
Subtotal (@ 100 respondents)	7,500	6,000	1,500	15,000
Subtotal (@ 500 respondents)	37,500	30,000	7,500	75,000
State/tribal consultation	5	5	.....	10
Subtotal (@ 100 respondents)	500	500	.....	1,000
Subtotal (@ 500 respondents)	2,500	2,500	.....	5,000
Range of total burden hours	8,000–40,000	6,500–32,500	1,500–7,500	16,000–80,000
	Costs			
Labor cost assumptions (per hour)	\$70	\$50	\$20	.....
Subtotal—technical proposal	5,250	3,000	300	\$8,550
Subtotal (@ 100 respondents)	525,000	300,000	30,000	855,000
Subtotal (@ 500 respondents)	2,625,000	1,500,000	150,000	4,275,000
Subtotal—state/tribal costs	350	250	.....	600
Subtotal (@ 100 respondents)	35,000	25,000	.....	60,000
Subtotal (@ 500 respondents)	175,000	125,000	.....	300,000
Range of total labor costs (x \$1000)	\$560–\$2,800	\$325–\$1,625	\$30–\$150	\$915–\$4,575

In summary, respondent burden are estimated at 150 hours per respondent for preparation of each application (including consultation with state and tribal authorities, and mailing), and an additional 10 hours per state or tribal government agency are estimated to be required for consultation in the development of each project proposals. Given the expected range of between 100 and 500 applications, the total application burden are estimated at between 16,000 and 80,000 hours.

6(b) Respondent Costs

Per the previous discussion, total respondent costs are estimated to range between \$915,000 (100 applicants), and \$4,575,000 (500 applicants). This includes between \$855,000 and \$4,275,000 to develop the technical proposal, and another \$60,000 to \$300,000 for state and tribal consultation in proposal development.

6(c) Estimating Agency Burden and Cost

EPA will incur costs to process and review specific proposal and provide outreach in support of proposal preparation. For specific applications,

EPA will incur costs to: Receive and process the proposals; initially screen the proposals; and distribute proposals to the cross-agency review group. (This document does not estimate the costs of the full regulatory reinvention pilot project program, but only the gathering of information through this solicitation). In addition, EPA will incur costs to perform outreach and training and disseminate information on the solicitation. Agency costs are summarized in Figure 2. Total EPA costs, at the upper range of five hundred responses, are estimated at \$432,500.

FIGURE 2.—ESTIMATE OF EPA COST FOR INFORMATION COLLECTION

	Proposal	Total
Receive and process proposals	\$10	.....
Perform initial screening	50	.....
distribute proposals across Agency	5	.....
Specific proposal costs	65	\$32,500
Creating additional information documents .....	.....	50,000

FIGURE 2.—ESTIMATE OF EPA COST FOR INFORMATION COLLECTION—Continued

	Proposal	Total
Conducting workshops/public outreach	350,000
Total	\$432,500

6(d) Bottom Line Burden Hours and Costs

Total respondent burden and cost for completing the proposals solicited in the Regulatory Reinvention Pilot Project are estimated at approximately 16,000 to 80,000 burden hours, and \$915,000 to \$4,575,000. Total EPA costs for processing specific proposals and supporting proposal development through technical outreach and workshops is estimated at \$432,500.

6(e) Reasons for Change in Burden

This new burden results from the desire to implement regulatory reinvention pilot projects to test implementation alternative, performance-based, options to conventional command and control regulatory approaches.

6(f) Burden Statement

Public reporting burden for this collection of information is estimated to average 150 hours per application response, including: time for reviewing instructions, developing the proposal; reviewing the proposal through respondent management; and consulting with state or tribal co-regulatory agencies, and other community or environmental stakeholders are encouraged in the solicitation. An additional 10 hours per respondent are estimated to be required of the state and tribal agencies consulted in the development of project proposals. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Director, Regulatory Information Division, Mail Code 2136, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C., 20460, Attention Regulatory Reinvention Pilot Projects Information Collection Burden (ICR#1749.01); and to the Office of Management and Budget Paperwork Reduction Project, Washington, D.C. 20503.

[FR Doc. 95-12563 Filed 5-22-95; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1049-DR]

Louisiana; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Louisiana (FEMA-1049-DR), dated May 10, 1995, and related determinations.

EFFECTIVE DATE: May 17, 1995.

FOR FURTHER INFORMATION CONTACT:

Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3606.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Louisiana dated May 10, 1995, is hereby amended to include the following areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 10, 1995:

St. Bernard and St. Tammany Parishes for Public Assistance (already designated for Individual Assistance).

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Richard W. Krimm,

Associate Director, Response and Recovery Directorate.

[FR Doc. 95-12577 Filed 5-22-95; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-1050-DR]

North Dakota; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of North Dakota (FEMA-1050-DR), dated May 16, 1995, and related determinations.

EFFECTIVE DATE: May 16, 1995.

FOR FURTHER INFORMATION CONTACT:

Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated May 16, 1995, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of North Dakota, resulting from severe storms, flooding and ground saturation due to high water tables beginning on March 1, 1995 and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of North Dakota.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas. Individual Assistance may be added at a later date, if requested and warranted. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint David P. Grier of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of North Dakota to have been affected adversely by this declared major disaster.

Benson, Bottineau, Cavalier, Griggs, Nelson, Ramsey, Rolette, Steele, Towner, and Walsh Counties for Public Assistance. (Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

James L. Witt,

Director.

[FR Doc. 95-12576 Filed 5-22-95; 8:45 am]

BILLING CODE 6718-02-M