

limitations exemption for the new MFBI identified as Unit #4. The basis for ERA's Order is provided in the **SUPPLEMENTARY INFORMATION** section, below.

DATE: In accordance with section 702(a) of FUA, this Order and its provisions shall take effect on September 12, 1982.

The public file containing a copy of this Order and other documents and supporting materials on this proceeding is available for inspection upon request at: Department of Energy, Freedom of Information Reading Room, 1000 Independence Avenue, SW., Room 1E-190, Washington, D.C. 20585, Monday through Friday, 8:00 a.m.-4:00 p.m.

FOR FURTHER INFORMATION CONTACT:

William H. Freeman, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-073, 1000 Independence Avenue SW., Washington, D.C. 20585, Phone (202) 252-2993.

Marya Rowan, Esq., Office of General Counsel, Department of Energy, Forrestal Building, Room 6B-178, 1000 Independence Avenue SW., Washington, D.C. 20585, Phone (202) 252-2967.

Jack Vandenberg, Office of Public Information, Economic Regulatory Administration, Room 7120, Federal Building, 12th & Pennsylvania Avenue NW., Washington, D.C. 20461, Phone (202) 633-8108.

SUPPLEMENTARY INFORMATION: The proposed MFBI for which the petition for exemption has been filed is a package boiler to be operated at the petitioner's Campus Central Utility Plant, Evanston, Illinois. Identified as Unit #4 by the petitioner, the MFBI will have a design heat input rate of approximately 172 million Btu's per hour using natural gas as a primary energy source.

The petitioner certified that, due to specific physical limitations, the criteria for a permanent exemption based upon a site limitation under 10 CFR 503.33(a)(1) and the mixtures use criteria in 10 CFR 503.33(a)(3) are satisfied by proposed Unit #4.

Documentary evidence submitted by the petitioner in support of its certification included an aerial photograph and a plant layout description demonstrating (a) that land expansion to accommodate alternate fuel facilities is extremely limited; (b) that facility reconstruction to accommodate storage of a 14-day supply of bulk fuel (2114 tons of coal) for a coal-fired unit is not practicable; and (c) that there is a lack of adequate rail or other transportation to bring bulk fuels to the plant site.

The petitioner also furnished ERA with appropriate data containing the

basis for certifications under 10 CFR 503.33(a), as well as copies of the necessary environmental permits, required by federal, state, and local authorities to install and operate Unit #4.

In accordance with the procedural requirements of FUA and 10 CFR §501.3(b), ERA published its Notice of its Acceptance of Petition for Exemption and Availability of Certification relating to proposed Unit No. 4 in the *Federal Register* on May 12, 1982 (47 FR 20348), commencing a 45-day public comment period pursuant to section 701(c) of FUA. As required by sections 701(f) and (g) of the Act, ERA provided a copy of the petition to the Environmental Protection Agency and the Federal Trade Commission for their respective comments. During that period, interested persons were also afforded an opportunity to request a public hearing. The period for submitting comments and for requesting a public hearing closed on June 28, 1982. No comments were received and no hearing was requested.

ERA has determined that the granting of the requested exemption does not constitute a major federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act.

Decision and Order.

Based upon the entire record of this proceeding, ERA has determined that the petitioner has satisfied all of the eligibility requirements for the requested exemption as set forth in 10 CFR § 503.33 and section 212(a) of FUA and ERA hereby grants the petitioner a permanent site limitation exemption for the proposed Unit #4 to be located at its Campus Central Utility Plant, Evanston, Illinois.

Pursuant to section 702(c) of the Act and 10 CFR § 501.69 any person aggrieved by this order may petition for judicial review thereof at anytime before the 60th day following the publication of this order in the *Federal Register*.

Issued in Washington, D.C. on July 2, 1982.

James W. Workman,

Director, Office of Fuels Programs Economic Regulatory Administration.

[FR Doc. 82-18783 Filed 7-12-82; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 82-06-NG]

Transwestern Pipeline Co.; Application To Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of application to import natural gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt of an application from Transwestern Pipeline Company (Transwestern) to import from Canada up to 66,000 Mcf per day of natural gas, and additional unspecified daily volumes on a best efforts basis. The imported volumes are to be purchased from ProGas Limited (ProGas) beginning on November 1, 1982, or as soon as possible thereafter, and continuing for a period of up to twenty (20) years through October 31, 2002.

The application is filed with ERA pursuant to Section 3 of the Natural Gas Act and DOE Delegation Order No. 0204-54. Protests or petitions to intervene are invited.

DATE: Protests or petitions to intervene are to be filed no later than 4:30 p.m. on August 12, 1982.

FOR FURTHER INFORMATION CONTACT:

P. J. Fleming (Natural Gas Branch, Oil and Gas Imports Division), Economic Regulatory Administration, 12th and Pennsylvania Avenue NW., Room 6144, RG-631, Washington, D.C. 20461, (202) 633-9296.

Sue D. Sheridan (Office of General Counsel, Natural Gas and Mineral Leasing), 1000 Independence Avenue SW., Forrestal Building, Room 6E-042, Washington, D.C. 20585, (202) 252-6667.

SUPPLEMENTARY INFORMATION: On May 14, 1982, Transwestern filed an application to import up to 66,000 Mcf per day of Canadian natural gas, plus an additional unspecified amount on a best efforts basis, for a period of up to twenty years. The gas is to be purchased from ProGas under a Gas Sales Agreement (Agreement) between Transwestern and ProGas dated October 29, 1981. The Agreement specifies that the gas will be delivered at a point of interconnection between the facilities of ProGas' transporter and the facilities of Transwestern's transporter on the international boundary at Kingsgate, British Columbia. Transwestern states it is currently making transportation arrangements with Northwest Pipeline Corporation (Northwest) for delivery of the gas from Kingsgate to its pipeline system in the southwestern United States. Transwestern further states it anticipates that the gas will be transported through Northwest's existing pipeline facilities to Transwestern's transmission system by means of a new pipeline connecting the two systems at a point near Gallup, New Mexico. The proposed interconnecting

pipeline (Continental Divide Pipeline Company), which is the subject of an application before the Federal Energy Regulatory Commission, will be jointly owned by subsidiaries of Transwestern and Northwest.

The Agreement provides that the price Transwestern will pay ProGas for the imported natural gas will be the authorized international order price, currently U.S. \$4.94 per MMBtu.

Transwestern also states that on April 2, 1982, ProGas filed an application with the National Energy Board of Canada (NEB) to export the gas for sale to Transwestern. The NEB has not yet approved ProGas' proposed export to Transwestern.

Transwestern is obligated under the Agreement to take or otherwise pay for a minimum annual quantity of gas equal to 75 percent of the maximum daily contract quantity times the number of days in the particular contract year, less the difference between the daily volumes requested by Transwestern and the actual amounts delivered. The price that Transwestern will be required to pay for the gas under the take-or-pay provisions is the prevailing Canadian border price.

In any contract year after it has met its minimum annual purchase obligation, Transwestern may recover any gas paid for but not previously taken (prepaid gas).

The Agreement also provides a mechanism for reducing Transwestern's volume of prepaid gas if ProGas' contractual obligations to take gas from the Alberta producers which supply it are less than the total volume of prepaid gas of all of ProGas' customers. In that case, Transwestern's prepaid gas will be adjusted by its pro rata share of the difference (obtained by multiplying ProGas' prepaid volume by Transwestern's prepaid volume and dividing by the total prepaid volume).

In support of its application Transwestern asserts that it is experiencing a decline in its supply of natural gas from present sources and that it is making extensive efforts to secure replacement gas by various means in order to meet, in future years, its existing contractual supply commitments to its customers. Transwestern states the proposed import is one of several sources it intends to pursue to offset this decline, and that the import is in the public interest of the United States.

Transwestern requests that the processing of this application be expedited.

OTHER INFORMATION: Any person wishing to become a party to the

proceeding, and thus to participate in any conference or hearing which might be convened, must file a petition to intervene. Any person may file a protest with respect to this application. The filing of a protest will not serve to make the protestant a party to the proceeding. Protests will be considered in determining the appropriate action to be taken on the application.

All protests and petitions to intervene must meet the requirements specified in 18 CFR 1.8 and 1.10. They should be filed with the Natural Gas Branch, Economic Regulatory Administration, Room 6144, RG-631, 12th & Pennsylvania Avenue NW., Washington, D.C. 20461. All protests and petitions to intervene must be filed no later than 4:30 p.m., August 12, 1982.

A hearing will not be held unless a motion for a hearing is made by a party or person seeking intervention and granted by ERA, or if ERA on its own motion believes that a hearing is necessary or required. A person filing a motion for hearing must demonstrate how a hearing will advance the proceedings. If a hearing is scheduled, ERA will provide notice to all parties and persons whose petitions to intervene are pending.

A copy of Transwestern's application is available for inspection and copying in the Natural Gas Branch Docket Room, located in Room 6144, 12th & Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. on July 6, 1982.

James W. Workman,
Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82-18782 Filed 7-12-82; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

Solar Panel Energy Research Advisory Board; Meeting

Notice is hereby given of the following meeting:

Name: Solar Panel of the Energy Research Advisory Board (ERAB). ERAB is a Committee constituted under the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770)

Date and time: August 2 and 3, 1982, 9 a.m. to 5 p.m.

Place: Room 4A-110, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585

Contact: William Woodard, Energy Research Advisory Board, Department of Energy, Forrestal Building, ER-6, 1000 Independence Avenue SW., Washington, DC 20585, Telephone: 202/252-8933.

Purpose of the parent board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative agenda:

Meet and discuss with solar technology and engineering and development community, including individuals from universities, industry, and the National Laboratories the draft report of the Solar R&D Panel.

Review draft of the Solar R&D Panel's report and obtain public comments thereon.

Public participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Energy Research Advisory Board at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW. Washington, DC, between 8:30 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

Issued at Washington, DC, on July 7, 1982.

Ira M. Adler,

Acting Director for Management, Office of Energy Research.

[FR Doc. 82-18781 Filed 7-12-82; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY.

[W-1-FRL 2133-6]

Cape Cod Aquifer Determination

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final determination.

SUMMARY: Pursuant to Section 1424(e) of the Safe Drinking Water Act the Administrator of the U.S. Environmental Protection Agency (EPA) has determined that the Cape Cod aquifer is the sole or principal source of drinking water for Cape Cod, Massachusetts, and that the Cape Cod aquifer, if contaminated, would create a significant hazard to public health. As a result of this action, Federal financially assisted projects constructed anywhere on Cape Cod will be subject to EPA review to ensure that these projects are designed and constructed so that they do not

create a significant hazard to public health.

ADDRESSES: The data on which these findings are based are available to the public and may be inspected during normal business hours at the U.S. Environmental Protection Agency, Region I, Drinking Water Branch, J.F. Kennedy Federal Building, Boston, Massachusetts, 02203.

FOR FURTHER INFORMATION CONTACT:

Steven J. Koorse, Drinking Water Branch, Environmental Protection Agency, Region I, at (617) 223-6688.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to Section 1424(e) of the Safe Drinking Water Act (42 U.S.C. 300h-3(e), Pub. L. 93-523) the Administrator of the U.S. Environmental Protection Agency (EPA) has determined that the Cape Cod aquifer is the sole or principal source of drinking water for Cape Cod, Massachusetts. Pursuant to Section 1424(e), Federal financially assisted projects constructed anywhere on Cape Cod will be subject to EPA review.

I. Background

Section 1424(e) of the Safe Drinking Water Act states:

If the Administrator determines, on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health, he shall publish notice of that determination in the Federal Register. After the publication of any such notice, no commitment for Federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health, but a commitment for Federal financial assistance may, if authorized under another provision of law, be entered into to plan or design the project to assure that it will not so contaminate the aquifer.

On March 4, 1981, EPA received a petition from the Cape Cod Planning and Economic Development Commission requesting EPA to designate the Cape Cod aquifer as a sole source aquifer. In response to this petition, EPA published a notice in the Federal Register on November 16, 1981 (46 Fed. Reg. 56232), announcing a public comment period and setting a public hearing date. A public hearing was conducted on January 4, 1982, and the public was allowed to submit comments on the petition until February 12, 1982.

II. Basis for Determination

Among the factors to be considered by the Administrator in connection with the designation of an area under Section

1424(e) are: (1) Whether the aquifer is the area's sole or principal source of drinking water, and (2) whether contamination of the aquifer would create a significant hazard to public health.

On the basis of information available to this Agency, the Administrator has made the following findings, which are the bases for the determination noted above:

1. The Cape Cod aquifer is a single continuous aquifer which currently serves as the "sole source" of drinking water for the approximately 147,725 permanent residents and 424,445 peak seasonal residents of Cape Cod.

2. There is no existing alternative drinking water source, or combination of sources, which provides fifty percent or more of the drinking water to the designated area, nor is there any reasonably available alternative future source capable of supplying Cape Cod's drinking water demands.

3. The Cape Cod aquifer is glacial in origin and is composed of unconsolidated sand, gravel, silt and clay deposits. As a result of its highly permeable soil characteristics, the Cape Cod aquifer is susceptible to contamination through its recharge zone from a number of sources, including but not limited to, chemical spills, highway runoff, septic tanks, leaking storage tanks, and leaching from open dumps. There is present evidence of localized contamination of the aquifer from chemical spills, individual disposal systems, leaking fuel tanks, and wastewater treatment systems. Since ground water contamination can be difficult or impossible to reverse, and since this aquifer is relied on for drinking water purposes by the general population, contamination of the aquifer would pose a significant hazard to public health.

III. Description of the Cape Cod Aquifer and Its Recharge Zone

Cape Cod, located within Barnstable County in southeastern Massachusetts, is a peninsula that extends 40 miles into the Atlantic Ocean. It is 440 square miles in area and is separated from the mainland by Cape Cod Canal. The area in which Federal financially assisted projects will be subject to review is the area that includes the Cape Cod aquifer, its streamflow source zone, and its recharge zone, which are one and the same.

For purposes of this designation, the Cape Cod aquifer is considered a single continuous aquifer, with the Cape Cod Canal, Cape Cod Bay, the Atlantic Ocean, Nantucket Sound and Buzzards

Bay its lateral boundaries. Similarly, the recharge zone boundaries of the aquifer will be regarded as coterminous with the lateral boundaries of the aquifer.

IV. Information Utilized in Determination

The information utilized in this determination includes the petition, written and verbal comments submitted by the public, U.S. Environmental Protection Agency technical publications, and a ground water resources study conducted by the U.S. Geological Survey (Cape Cod Aquifer, Water-Resources Investigation 80-571). The above data is available to the public and may be inspected during normal business hours at the Environmental Protection Agency, Region I, Drinking Water Branch, J. F. Kennedy Federal Building, Boston, Massachusetts.

V. Project Review

EPA Region I is working with the Federal agencies that may in the future provide financial assistance to projects in the area of concern. Interagency procedures are being developed in which EPA will be notified of proposed commitments by Federal agencies for projects which could contaminate the Cape Cod aquifer. EPA will evaluate such projects and, where necessary, conduct an in-depth review, including soliciting public comments where appropriate. Should the Administrator determine that a project may contaminate the aquifer through its recharge zone so as to create a significant hazard to public health, no commitment for Federal financial assistance may be entered into. However, a commitment for Federal financial assistance may, if authorized under another provision of law, be entered into to plan or design the project to assure that it will not so contaminate the aquifer.

Although the project review process cannot be delegated, the U.S. Environmental Protection Agency will rely to the maximum extent possible on any existing or future State and local control mechanisms in protecting the ground water quality of the Cape Cod aquifer. Included in the review of any Federal financially assisted project will be coordination with the State and local agencies. Their comments will be given full consideration and the Federal review process will attempt to complement and support State and local ground water protection mechanisms.

VI. Summary and Discussion of Public Comments

Most of the comments received from Federal, State and local government agencies and from the public were strongly in favor of designation. Only three commenters expressed any reservations regarding the designation.

One commenter felt that EPA currently has sufficient ground water protection mechanisms, which together with State and local mechanisms, render a sole source designation unnecessary. Although a number of ground water protection measures are available at the Federal, State and local level, none of these, either individually or collectively, permit EPA to act as directly and comprehensively as would a sole source designation in the review and approval of Federal financially assisted projects. In addition, EPA feels that the sole source project review process will foster integration rather than duplication of environmental review efforts.

Two commenters, although generally in favor of the designation, expressed concern that sole source designation might preclude the use of land application as a wastewater treatment technique on Cape Cod. If properly sited, designed, operated and maintained, land application treatment can be an environmentally sound and cost effective waste management alternative. Sole source designation will not interfere with the development of any environmentally sound waste management solutions for Cape Cod municipalities. Federal financial assistance will only be withheld in those instances where it is determined that a proposed project may contaminate the aquifer so as to create a significant hazard to public health and no acceptable remedial measures are available to prevent the potential hazard.

VII. Economic and Regulatory Impact

Pursuant to the provisions of the Regulatory Flexibility Act (RFA), 5 U.S.C. 605(b), I hereby certify that the attached rule will not have a significant impact on a substantial number of small entities. For purposes of this Certification the term "small entity" shall have the same meaning as given in Section 601 of the RFA. This action is only applicable to Cape Cod. The only affected entities will be those Cape-based businesses, organizations or governmental jurisdictions that request Federal financial assistance for projects which have the potential for contaminating the aquifer so as to create a significant hazard to public health. EPA does not expect to be reviewing

small isolated commitments of financial assistance on an individual basis, unless a cumulative impact on the aquifer is anticipated; accordingly, the number of affected small entities will be minimal.

For those small entities which are subject to review, the impact of today's action will not be significant. Most projects subject to this review will be preceded by a groundwater impact assessment required pursuant to other Federal laws, such as the National Environmental Policy Act, as amended (NEPA), 42 U.S.C. 4321, *et seq.* Integration of those related review procedures with sole source aquifer review will allow EPA and other Federal agencies to avoid delay or duplication of effort in approving financial assistance, thus minimizing any adverse effect on those small entities which are affected. Finally, today's action does not prevent grants of Federal financial assistance which may be available to any affected small entity in order to pay for the redesign of the project to assure protection of the aquifer.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it will not have an annual effect of \$100 million or more on the economy, will not cause any major increase in costs or prices, and will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States enterprises to compete in domestic or export markets. Today's action only affects Cape Cod. It provides an additional review of groundwater protection measures, incorporating State and local measures whenever possible, for only those projects which request Federal financial assistance. This regulation was submitted to OMB for review under EO 12291.

Dated: July 6, 1982.

Anne M. Gorsuch,
Administrator.

[FR Doc. 82-18830 Filed 7-12-82; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-00034; TSH-FRL 2168-5]

Interagency Toxic Substances Data Committee; Cancellation of Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The August meeting of the Interagency Toxic Substances Data Committee has been cancelled.

DATE: The next meeting of the Committee has been scheduled for September 14, 1982.

FOR FURTHER INFORMATION CONTACT: Mary Belferman (TS-777), Executive Secretary, Interagency Toxic Substances Data Committee, Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, (202-554-1404).

SUPPLEMENTARY INFORMATION: The regular meetings of the Interagency Toxic Substances Data Committee usually take place on the first Tuesday of alternate months at 9:30 a.m. and are open to the public. The meetings are held in: Rtm. 2010, New Executive Office Building, 17th St. and Pennsylvania Ave., NW., Washington, D.C. 20006.

The August meeting has been cancelled, the next meeting of the Interagency Toxic Substances Data Committee will take place on the second Tuesday in September, September 14, 1982. The meeting after that will be held on November 2, 1982.

Dated: July 6, 1982.

Mary Belferman,
Executive Secretary, Interagency Toxic Substances Data Committee.

[FR Doc. 82-18880 Filed 7-12-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Interconnection of Customer-Provided Telephone Equipment With Nationwide Telephone Network; Grant of Request for Permanent Exemption

AGENCY: Federal Communications Commission.

ACTION: Grant of request for permanent exemption.

SUMMARY: Section 68.2(e) of the Commission's Rules and Regulations, 47 CFR 68.2(e), permits governmental departments, agencies or administrations to apply for exemption from the technical and legal requirements of Part 68 of the Commission's rules, in the interest of national defense and security. Part 68 governs the interconnection of customer-provided telephone equipment with the nationwide telephone network.

The Department of Energy has requested permanent exemption under § 68.2(e). The Commission hereby grants the Department of Energy's request.

FOR FURTHER INFORMATION CONTACT: James M. Talens, Senior Attorney, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554, (202) 634-1832.