

qualified renewable energy facility that occurred in the previous fiscal year. The first year in which electricity is generated for sale from this facility and the 9 subsequent fiscal years constitute the 10 fiscal years of net electric generation and sale that are eligible for a REPI payment. Another provision of the Department's regulations, Section 451.5(b)(3), provides that failure to file an application within the first quarter (October 1 through December 31) of any fiscal year for payment of net energy generated and sold in the prior fiscal year will result in the loss of eligibility for a REPI payment for energy generated and sold in that prior fiscal year.

Questions About 10 CFR 451.8 Application Content Requirements

Q1. Will DOE require an applicant for REPI payments to describe the specific components of the renewable energy facility for which it requests payment?

A1. Yes. An applicant is required to explain how it satisfies the requirements of a qualified renewable energy facility, and a "renewable energy facility" is defined to mean a single module or unit, or an aggregation of such units, that generate electricity which is independently metered and which results from the utilization of a renewable energy source. The Department will require applicants to include, as part of the application statement, a brief description of the key renewable energy system components (including component manufacturer) used to convert the renewable resource to electricity.

Q2. What steps must an applicant take to prepare a statement of the annual and monthly metered net electric energy generated and sold during the prior fiscal year by the qualified renewable energy facility?

A2. Section 451.8(f) requires that applications contain a statement of the annual and monthly metered net electric energy generated and sold during the prior fiscal year by the qualified renewable energy facility for which an incentive payment is requested. To reduce the need for supplemental submissions, and the resulting delay in payments, DOE will expect applicants to follow these procedures for obtaining monthly and annual meter readings:

(1) Meter readings should be taken on the last calendar day of each month, if feasible.

(2) When it is not feasible to take readings on the last calendar day of the month, DOE will permit the use of other intervals of approximately 30 days, provided the applicant includes the date of each meter reading and the net

electric energy generated and sold during the period between meter readings.

(3) If a meter reading is not obtained on the first and last days of a fiscal year for which incentive payments are requested, the applicant must document the method it used to calculate the electric energy claimed for payment in the first and last months of that fiscal year.

Q3. Can DOE make REPI payments by issuing a check to the applicant?

A3. No. Although Section 451.8(j) includes payment by check as a preferred payment method, that payment option is no longer available to DOE. Public Law 104-134 requires that virtually all Federal payments be made via electronic funds transfer beginning on July 26, 1996. Applicants should include transfer instructions with REPI applications or complete OMB Form SF-3881, Automated Clearance House (ACH) Vendor/Miscellaneous Payment Enrollment, available from the Department of Energy Golden Field Office.

Question About 10 CFR 451.9 Procedures for Processing Applications

Q1. How will DOE handle applications for REPI payments if available appropriated funds are insufficient to make full payments for all approved applications for a specific year?

A1. Section 451.9(e) contains the procedures that DOE will implement if available appropriated funds are insufficient to make full payments for all approved applications for a specific year. Insufficient funds may result in some qualified applicants receiving either no incentive payment or a partial incentive payment on a pro rata basis. If a qualified applicant receives no incentive payment due to insufficient funds, then all of the net electricity produced for sale in kilowatt-hours would be considered accrued energy. If a qualified applicant receives a partial incentive payment on a pro rata basis, an associated portion of the net electricity produced for sale in kilowatt-hours would be considered to have received a full incentive payment and the remainder of the net electricity produced for sale in kilowatt-hours would be considered to be accrued energy. For example, if a qualified applicant's net electric production for sale for the year was 1,000,000 kilowatt hours and due to insufficient funds only 80 percent of the incentive payment could be paid on a pro rata basis, then 800,000 kilowatt-hours would receive a full incentive payment and 200,000 kilowatt-hours would be considered to

be accrued energy. If an applicant seeks an incentive payment for accrued energy in a subsequent year, the applicant needs to specifically request payment for this amount of accrued energy in the subsequent year's application. If an applicant fails to specifically request payment for this amount of accrued energy in a subsequent year's application, the accrued energy will not be considered for payment that year. Accrued energy (quantified in kilowatt-hours) that is submitted in a subsequent year's application will be added to and treated in the same manner as the subsequent year's net electricity that is being submitted by the applicant for an incentive payment. Using the same example, if 1,000,000 kilowatt-hours of net electricity was also produced for sale in the next year by the applicant and the applicant's application also contained a request for an incentive payment for the 200,000 kilowatt-hours of accrued energy from the previous year, then a total of 1,200,000 kilowatt-hours of electricity would be considered for incentive payment for the applicant in the next year. Section 1212 of the Energy Policy Act of 1992 (42 U.S.C. 13317(d)) states that a qualified renewable energy facility may receive payments for a 10-fiscal year period. This means that no REPI payments can be made for either net electric production or accrued energy after the annual REPI payment is made that applies to the tenth fiscal year of production for a qualified facility.

Issued in Washington, DC, on June 25, 1997.

Joseph J. Romm,

Acting Assistant Secretary, Energy Efficiency and Renewable Energy.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 401, 411, 413, 415 and 417

[Docket No. 28851; Notice 97-2A]

RIN 2120-AF99

Commercial Space Transportation Licensing Regulations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); reopening of comment period.

SUMMARY: A proposed rule was published on March 19, 1997 (53 FR

13216) with a 60-day comment period. This document announces that the comment period for the proposal to amend the licensing regulations for launching commercial launch vehicles is reopened. That comment period closed on May 19, 1997. In response to industry requests that more time be provided for comment development, the comment period is reopened.

DATES: The comment period is reopened from July 3, 1997 through August 4, 1997.

ADDRESSES: An original plus four copies of comments on this NPRM should be mailed to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-200), 800 Independence Avenue, SW, Washington, DC 20591. Comments may also be sent electronically to the Rules Docket by using the following Internet address: 9-nprm-cmts@faa.dot.gov. All comments must be market Docket 28851. Comments may be examined Monday through Friday, except Federal holidays, between the hours of 8:30 a.m. and 5:00 p.m. in Room 915F.

FOR FURTHER INFORMATION CONTACT: J. Randall Repcheck, Commercial Space Transportation, AST-200, (202) 366-2258 or Laura Montgomery, Office of the Chief Counsel, AGC-200, (202) 267-8018.

SUPPLEMENTARY INFORMATION: Notice No. 97-2 was published on March 19, 1997 [53 FR 13216]. This Notice, as published, provided a 60-day comment period which closed May 19, 1997.

Background

The Office of the Associate Administrator for Commercial Space Transportation carries out the Secretary's responsibility (Commercial Space Launch Act of 1984, as amended, codified at 49 U.S.C. Subtitle IX, ch. 701, Commercial Space Launch Activities) for licensing launches, and encouraging, facilitating and promoting commercial space launches by the private sector, 49 U.S.C. § 70103.

After six years of experience in regulating the commercial space industry, the Office initiated a process for standardizing its licensing regulations. Over the course of time, and with the input of licensees and Federal launch ranges, the Office has evolved a standardized approach to licensing launches from Federal launch ranges. Accordingly, the Office now proposes to implement that approach through revisions to its regulations. Notice 97-2 proposes to amend licensing regulations for launching commercial launch vehicles. The proposed regulations are intended to provide

applicants and licensees greater specificity and clarity regarding the scope of a license, and regarding licensing requirements and criteria.

Reopen Comment Period

On May 19, 1997, McDonnell Douglas Aerospace, Lockheed Martin, and other major U.S. commercial space launch industry participants requested that the comment period be extended beyond May 19, 1997 to allow interested parties to submit additional comments and/or clarifications to complex issues in the Notice. Industry states that in light of the detail needed to respond accurately, an extension is needed.

The comment period closed on May 19, 1997, which prevented an extension. To allow industry additional time for a more thorough review of applicable issues and drafting of responsive comments, the FAA finds that it is in the public interest to reopen the comment period for an additional 30 days. Accordingly, the FAA is reopening the comment period July 3, 1997 through August 4, 1997.

Issued in Washington, DC, on June 27, 1997.

Patti Grace Smith,

Acting Associate Administrator for Commercial Space Transportation.

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DEPARTMENT OF TRANSPORTATION

14 CFR Part 440

[Docket No. 28635; Notice 96-8B]

RIN 2120-AF98

Financial Responsibility Requirements for Licensed Launch Activities

AGENCY: Federal Aviation Administration (FAA), Associate Administrator for Commercial Space Transportation, DOT.

ACTION: Notice of reopened comment period.

SUMMARY: The FAA is soliciting additional comments on notice no. 96-8 (61 FR 38992; July 25, 1996), which proposed financial responsibility and allocation of risk requirements for launch activities carried out under an FAA license. An additional 30-day comment period on the notice of proposed rulemaking is provided for this purpose.

DATES: Comments must be received by August 4, 1997.

ADDRESSES: Comments should be mailed in triplicate to the Federal Aviation Administration, Office of Chief

Counsel, Attention: Rules Docket (AGC-200), Docket No. 28635, Room 915G, 800 Independence Avenue, SW., Washington, DC 20591. Comments must reference Docket No. 28635. Comments may also be submitted electronically to the Rules Docket by using the following Internet address: 9-nprm-cmts@faa.dot.gov.

Commenters wishing to receive acknowledgement of receipt of their comments must include a pre-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 28635." The postcard will be date-stamped and mailed to the commenter. Copies of materials relevant to this rulemaking, including copies of all public comments, are kept by the Rules Docket Technician, Room 915G, at the above address. The docket may be examined Monday through Friday, except Federal holidays, between the hours of 8:30 a.m. and 5:00 p.m.

An electronic copy of the notice of proposed rulemaking (NPRM) may be downloaded from the FAA regulations section of the Fedworld electronic bulletin board service (703) 321-3339, the Federal Register's electronic bulletin board service (202) 512-1661 or the FAA's Aviation Rulemaking Advisory Committee Bulletin Board service (202) 267-5948. A modem and suitable communications software is required.

Internet users may reach the FAA's web page at <http://www.faa.gov> or the Federal Register's web page at http://www.access.gpo.gov/su_docs for access to recently published rulemaking documents.

Any person may obtain a paper copy of the NPRM by submitting a request to the FAA, Office of Rulemaking, ARM-1, 800 Independence Avenue, SW., Washington, DC 20591 or by calling (202) 267-9680. Communications must identify the notice and docket number.

Persons interested in being placed on the mailing list for future Notices of Proposed Rulemaking should request from the FAA Office of Rulemaking a copy of Advisory Circular No. 11-2A, notice of proposed rulemaking distribution system, that describes the application procedure.

FOR FURTHER INFORMATION CONTACT: Ms. Esta M. Rosenberg, Attorney-Advisor, Regulations Division, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, Washington, DC (202) 366-9305.