

Q. Financing Rates Should Provide Financing Incentives for Performance-Based Payment Use

Comment: One respondent recommends that the financing rates for performance-based payments offer incentives above that which could be achieved with the no-risk, administratively burdensome 80 percent progress payment option. The FAR currently states that performance-based financing must be prudent and must not exceed 90 percent of the contract price. The respondent asserts that there have been numerous situations where the actual performance-based payments rates awarded provide lower effective financing than the 80 percent progress payment option. This trend is a disincentive for contractors to accept the risks associated with meeting performance-based financing events. The respondent recommends that DPAP issue guidance to the field advising PCOs to use performance-based payments rates that offer true financial incentives. The guidance should state that the 90 percent rate will be used on an ordinary basis and that lower rates should be used only when significant justification exists.

DPAP Response: Providing performance-based payments financing at or below the effective rate for progress payments inhibits the use of performance-based payments. DPAP has recommended that this issue be addressed as part of the FAR case to review/revise the current FAR coverage on performance-based payments.

R. Use of Production Lead Times In Lieu of Performance Events

Comment: One respondent recommends permitting performance-based payments based on production lead times for mature programs with reliable production processes, rather than using performance events. The respondent states that this is a common commercial practice and is appropriate in situations when the lead times and production processes are well known. The respondent asserts that this would result in a contract that is both simple to award and simple to administer, since the effort to validate and approve events would be eliminated.

DPAP Response: The passage of time is not an acceptable performance-based event, even when the lead times and production processes are well known. When the production processes are well known, it should not be difficult to establish objective performance milestones in a manner that requires minimal validation effort.

S. Eliminate Requirement To Bill at Contract Line and Accounting Classification Reference Number (ACRN) Level

Comment: One respondent recommends simplifying the contract administration and payment process by eliminating the requirement for contractors to bill and for the Defense Finance and Accounting Service (or other payment offices) to pay performance-based payments financing requests by contract line and ACRN. The respondent asserts that performance-based payments financing should be treated the same as progress payment financing by having the DoD payment systems allocate the billing amount to all ACRNs on the contract. The respondent asserts that adoption of this recommendation would eliminate the need for preparation of complex billings and the maintenance of manual spreadsheets by the contractor and DoD.

DPAP Response: The current DFARS case, Payment and Billing Instructions (DFARS Case 2003-D009), addresses the respondent's concern (proposed rule published at 69 FR 35564 on June 25, 2004). This case will revise the DFARS to provide the contracting officer with twelve options, including the ability to have the payment office allocate the costs at the contract line item/ACRN level.

T. Segregation of Billings Into Multiple Invoices

Comment: One respondent recommends permitting billings to be segregated into multiple invoices where a problem with a funding source, accounting station, or foreign military sales customer is expected to delay payment. The respondent believes that this option provides contractors with the ability to receive payment on time for a portion of the billing when problems arise with a particular funding source, accounting station, or foreign military sales customer, while also minimizing reconciliation efforts and the risk of expiring funds.

DPAP Response: DPAP has established a DFARS case to address instances in which a portion of the invoice is payable but other portions are not due to problems with a funding source, accounting station, or foreign military sales customer.

U. Corrected or Delayed Billings of Prior Month Do Not Preclude New Billings

Comment: One respondent recommends that guidance be issued stating that a corrected or delayed billing from a prior month does not

preclude a contractor from issuing a new billing for performance-based payment events achieved in a subsequent month.

DPAP Response: DPAP plans to amend the User Guide and training to address the processing of current invoices when there are corrected and/or delayed billings from a prior period.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

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DEPARTMENT OF ENERGY

[Docket No. EA-178-B]

Application To Export Electric Energy; Edison Mission Marketing and Trading, Inc.

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of application.

SUMMARY: Edison Mission Marketing and Trading, Inc. (EMMT) has applied to renew its authority to transmit electric energy from the United States to Mexico pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests or requests to intervene must be submitted on or before July 5, 2005.

ADDRESSES: Comments, protests or requests to intervene should be addressed as follows: Office of Electricity Delivery & Energy Reliability, Mail Code: OE-20, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585-0350 (FAX 202-287-5736).

FOR FURTHER INFORMATION CONTACT: Steven Mintz (Program Office) 202-586-9506 or Michael Skinker (Program Attorney) 202-586-2793.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)).

On May 29, 1998, the Department of Energy (DOE) issued Order No. EA-178 authorizing EMMT's predecessor, Citizens Power Sales, LLC (CP Sales) to transmit electric energy from the United States to Mexico as a power marketer. On May 3, 2000, in Order No. EA-178-A, DOE renewed the CP Sales authorization to export electric energy to Canada for a five-year term that expired on May 3, 2005.

Subsequently, EMMT's parent, Edison Mission Energy, acquired CP Sales on

July 3, 2000. In that transaction, CP Sales merged with EMMT, with EMMT as the surviving entity. EMMT has transacted under CP Sales' export authorization since that date.

On April 4, 2005, EMMT filed an application with DOE for renewal of the export authority contained in Order No. EA-178-A for an additional five-year term. EMMT proposes to export electric energy to Mexico and to arrange for the delivery of those exports over the international transmission facilities presently owned by San Diego Gas & Electric, El Paso Electric Company, Central Power & Light Company, and Comision Federal de Electricidad, the national electric utility of Mexico.

Procedural Matters: Any person desiring to become a party to these proceedings or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the dates listed above.

Comments on the EMMT application to export electric energy to Mexico should be clearly marked with Docket EA-178-B. Additional copies are to be filed directly with Joseph C. Bell, Jolanta Sterbenz, Geo. F. Hobday, Jr., Hogan & Hartson L.L.P., 555 Thirteenth Street, NW., Washington, DC 20004-1109, *And* Robert F. Viola, Counsel, Edison Mission Marketing & Trading, Inc., 160 Federal Street, Boston, Massachusetts 02110-1776, *And* Karen A. Bell, Assistant Counsel, Edison Mission Marketing & Trading, Inc., 160 Federal Street, Boston, Massachusetts 02110-1776.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to the National Environmental Policy Act of 1969, and a determination is made by the DOE that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the program's Home Page at <http://www.fe.doe.gov>. Upon reaching the Home page, select "Electricity Regulation," and then "Pending Proceedings" from the options menus.

Issued in Washington, DC, on May 27, 2005.

Anthony J. Como,

Senior Advisor to the Director for Regulatory Programs, Office of Electricity Delivery & Energy Reliability.

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DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Paducah

AGENCY: Department of Energy (DOE).

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EMSSAB), Paducah. The Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, June 16, 2005; 5:30 p.m.-9:30 p.m.

ADDRESSES: 111 Memorial Drive, Barkley Centre, Paducah, Kentucky 42001.

FOR FURTHER INFORMATION CONTACT:

William E. Murphie, Deputy Designated Federal Officer, Department of Energy Portsmouth/Paducah Project Office, 1017 Majestic Drive, Suite 200, Lexington, Kentucky 40513, (859) 219-4001.

SUPPLEMENTARY INFORMATION: *Purpose of the Board:* The purpose of the Board is to make recommendations to DOE in the areas of environmental restoration, waste management and related activities.

Tentative Agenda:

5:30 p.m. Informal Discussion

6 p.m. Call to Order

- Introductions
- Review of Agenda
- Approval of May Minutes

6:05 p.m. Deputy Designated Federal Officer's Comments

6:25 p.m. Federal Coordinator's Comments

6:30 p.m. Ex-officios' Comments

6:40 p.m. Public Comments and Questions

6:50 p.m. Task Forces/Presentations

- Waste Disposition Task Force
- Water Quality Task Force
- Long Range Strategy/Stewardship Task Force

—DUF6 Project Overview

• Community Outreach Task Force
7:50 p.m. Public Comments and Questions

8 p.m. Break

8:10 p.m. Administrative Issues

- Review of Work Plan
- Review of Next Agenda

8:20 p.m. Review of Action Items

8:25 p.m. Subcommittee Reports

- Executive Committee

—Chairs Meeting Recap

8:40 p.m. Final Comments

9:30 p.m. Adjourn

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact David Dollins at the address listed below or by telephone at (270) 441-6819. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comment will be provided a maximum of five minutes to present their comments. This notice is being published less than 15 days before the date of the meeting due to programmatic issues that had to be resolved.

Minutes: The minutes of this meeting will be available for public review and copying at the Department of Energy's Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585 between 9 a.m. and 4 p.m., Monday-Friday, except Federal holidays. Minutes will also be available at the Department of Energy's Environmental Information Center and Reading Room at 115 Memorial Drive, Barkley Centre, Paducah, Kentucky between 8 a.m. and 5 p.m., on Monday thru Friday or by writing to David Dollins, Department of Energy, Paducah Site Office, Post Office Box 1410, MS-103, Paducah, Kentucky 42001 or by calling him at (270) 441-6819.

Issued at Washington, DC on May 27, 2005.

R. Samuel,

Deputy Advisory Committee Management Officer.

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