

# Proposed Rules

Federal Register

Vol. 72, No. 142

Wednesday, July 25, 2007

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 15 CFR Part 922

#### Notice of Intent to Prepare a Supplemental Draft Environmental Impact Statement for the Channel Islands National Marine Sanctuary Management Plan Review

**AGENCY:** National Marine Sanctuary Program, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce.

**ACTION:** Notice of intent.

**SUMMARY:** Notice is hereby given that the National Oceanic and Atmospheric Administration's (NOAA) National Marine Sanctuary Program (NMSP) is preparing a Supplemental Draft Environmental Impact Statement (SDEIS) to supplement and/or replace information contained in the Draft Environmental Impact Statement (DEIS) for the Channel Islands National Marine Sanctuary (CINMS or Sanctuary) management plan review. The SDEIS will analyze revisions to the Sanctuary's proposed action that would, in effect, prohibit the following discharges within the Sanctuary: (1) All sewage from vessels 300 gross registered tons (GRT) or more, including cruise ships and oceangoing ships; and (2) graywater from vessels 300 GRT or more, including from cruise ships, and from oceangoing ships with the capability to hold graywater while within the Sanctuary.

**DATES:** Because the NMSP has previously requested (64 FR 31528 and 71 FR 29096) and received extensive information from the public on issues to be addressed in the SDEIS, and because the Council on Environmental Quality (CEQ) regulations for implementing the National Environmental Policy Act (NEPA) do not require additional scoping for this SDEIS process (40 CFR 1502.9(c)(4)), the NMSP is not asking for

further public scoping information and comment at this time. Upon release of the SDEIS the NMSP will provide a 45-day public review/comment period.

**ADDRESSES:** Copies of the 2006 DEIS are available at Channel Islands National Marine Sanctuary, 113 Harbor Way, Suite 150, Santa Barbara, California and on the Web at <http://channelislands.noaa.gov>.

**FOR FURTHER INFORMATION CONTACT:** Michael Murray at (805) 884-1464 or [michael.murray@noaa.gov](mailto:michael.murray@noaa.gov).

**SUPPLEMENTARY INFORMATION:** During the DEIS public review period (May 15 through July 21, 2006) NOAA received a wide range of comments, including substantial public and agency comments about changes proposed for Sanctuary regulation of sewage<sup>1</sup> and graywater discharges from large vessels.<sup>2</sup> The DEIS provided three regulatory alternatives: The preferred alternative, alternative 1, and the no-action alternative. The DEIS preferred alternative and NOAA's then-proposed action would clarify that a type I or II marine sanitation device (MSD) is required for discharge of treated sewage within the Sanctuary and proposes that graywater discharge from all vessels be excepted from the discharge prohibition. Alternative 1 also proposes a graywater exception from the prohibition for all vessels, but would prohibit discharge into the Sanctuary of treated or untreated sewage from large vessels (greater than or equal to 300 GRT). The no action alternative would retain the status quo regulation on discharge, which is ambiguous with regard to graywater and imprecise with regard to the type of MSD required for vessel sewage discharge within the sanctuary.

Comments included a request that NOAA adopt the discharge regulation under alternative 1, which would prohibit any sewage discharges from large vessels, whether treated or untreated. Comments also included a request that NOAA prohibit cruise ship

discharges in Sanctuary waters. In addition, there were suggestions that NOAA implement recommendations contained in the water quality needs assessment developed by a working group of the Sanctuary Advisory Council (available at <http://www.channelislands.noaa.gov/sac/pdf/10-17-05.pdf>), which provides a comprehensive evaluation of water quality threats and provides a broad range of management advice. This assessment includes a recommendation that NOAA prohibit cruise ship discharges in Sanctuary waters. In addition, comments from State agencies and a suite of environmental non-governmental organizations indicated that NOAA's proposed exception for graywater discharges is inconsistent with the California Clean Coast Act (California Public Resources Code Sec 72420-72422) that prohibits graywater discharges from vessels 300 gross registered tons or more within state waters. The types of comments described above were the only types of comments received on the issues of graywater and sewage discharge from large vessels.

In May 2006 NOAA submitted its Coastal Zone Management Act consistency finding to the California Coastal Commission (Commission), in compliance with Federal consistency regulations (15 CFR part 930). In July 2006 the Commission conditionally concurred with the finding that the proposed revised Sanctuary management plan and regulations are fully consistent with the enforceable policies of the California Coastal Management Program. The Commission voted to concur with the consistency finding on the condition that NOAA revise the proposed discharge and deposit regulation to prohibit vessels of 300 GRT or more from discharging sewage or graywater into the waters of the Sanctuary.

After reviewing these public comments, considering the Commission's action, and further analyzing the vessel discharge issues raised, NOAA proposes to revise its proposed action with regard to prohibition of graywater and sewage discharges from large vessels. NOAA also proposes to define the terms "oceangoing ship" and "cruise ship" within the Sanctuary regulations. The SDEIS, in conjunction with the

<sup>1</sup> Sewage means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes (40 CFR 140.1(a)).

<sup>2</sup> "Large vessel" is used herein to mean any vessel of 300 GRT or more. 300 GRT is an established state and federal size class threshold for vessel discharge regulation purposes. This includes oceangoing ships and cruise ships. "Oceangoing ship" means a private, commercial, government, or military vessel of 300 GRT or more, not including cruise ships. "Cruise ship" means a vessel with 250 or more passenger berths for hire.

concomitant supplemental proposed rule, will evaluate the revised proposed action and provide the public with an opportunity for additional review and comment.

**Authority:** 16 U.S.C. 1431 *et seq.*

Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program.

Dated: July 18, 2007.

**William Corso,**

*Deputy Assistant Administrator, Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration.*

[FR Doc. 07-3608 Filed 7-24-07; 8:45 am]

**BILLING CODE 3510-NK-M**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Parts 260 and 284

[Docket Nos. RM07-10-000 and AD06-11-000]

#### Transparency Provisions of Section 23 of the Natural Gas Act; Transparency Provisions of the Energy Policy Act of 2005

July 17, 2007.

**AGENCY:** Federal Energy Regulatory Commission, Department of Energy.

**ACTION:** Notice of proposed rulemaking; notice of workshop and program.

**SUMMARY:** The Federal Energy Regulatory Commission is holding an informal workshop to discuss implementation and other technical issues associated with the proposals set forth in the Notice of Proposed Rulemaking issued April 14, 2007, in Commission Docket Nos. RM07-10-000 and AD06-11-000. 72 FR 20791 (April 26, 2007).

**DATES:** July 24, 2007, 9:30 a.m. until 3:30 p.m.

**ADDRESSES:** Federal Energy Regulatory Commission, 888 First Street, NE., Rooms 3M-2A and B, Washington, DC 20426.

**FOR FURTHER INFORMATION CONTACT:** Lee Choo, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. 202-502-6334, [lee-ken.choo@FERC.gov](mailto:lee-ken.choo@FERC.gov).

**SUPPLEMENTARY INFORMATION:** As announced on June 1, 2007, the staff of the Federal Energy Regulatory Commission (Commission) will hold an informal workshop in the above-referenced proceedings on July 24, 2007, at the Federal Energy Regulatory Commission, 888 First Street, NE.,

Washington, DC 20426 in Meeting Room 3M-2A&B from 9:30 a.m. until 3:30 p.m. (EST). The staff is holding this workshop to discuss implementation and other technical issues associated with the proposals set forth in the Notice of Proposed Rulemaking (NOPR), *Transparency Provisions of Section 23 of the Natural Gas Act*, 72 FR 20791 (Apr. 26, 2007), FERC Stats. & Regs. ¶ 32,614 (2007).

All interested persons are invited, and there is no registration fee to attend. As stated in the first notice, this workshop will neither be web-cast nor transcribed. Reply comments should be filed in Docket No. RM07-10-000, in accordance with the dates set in the rulemaking docket. The workshop will be held on the third floor in Conference rooms 3M-2A & B.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an e-mail to [accessibility@ferc.gov](mailto:accessibility@ferc.gov) or call toll free 1-866-208-3372 (voice) or 202-208-1659 (TTY), or send a FAX to 202-208-2106 with the required accommodations.

The workshop will consist of two sessions to be organized as follows:

In the morning, staff plans to discuss issues related to implementing the proposal that intrastate pipelines post flow and capacity information of a daily basis. Participants are invited to bring up their implementation questions and issues. Some of the questions of interest to staff include:

1. Under the proposal, what are workable definitions of the terms "intrastate Docket Nos. RM07-10-000 and AD06-11-000 pipeline," "major" and "segments?"
2. How can posting requirements be adjusted to accommodate particular pipeline operational characteristics?
3. What and at what locations do intrastate pipelines already collect information for use in day-to-day operations? Can the proposal be modified to make effective use of existing information?
4. Which types of pipelines should be exempt (e.g., pipelines with a single customer)? Others?
5. What should be the *de minimis* criterion? (Criteria proposed in the comments include, e.g., three customers, 50,000 Dth/d, less than 110 miles, and less-than 24 inch diameter.)
6. What is a realistic turnaround time for posting?
7. Are there strategies to develop the same or similar information that would impose less of a burden on intrastate pipelines?

After a lunch break, staff plans to discuss implementing the proposal to collect aggregated annual data from buyers and sellers of physical natural gas. Again, the focus is to be on implementation issues. The following are possible questions to address at the workshop. Some of the questions of interest to staff include:

1. Do the questions set forth in the Appendix of the NOPR elicit sufficient data to assess the overall size of the physical wholesale markets as well as the relative portion that form price indices versus the portion that use or depend on price indices?
2. What specific formats, definitions and submittal technology should be used to ensure consistency of data for accurate aggregation and analysis?
3. What information should be made public? When?
4. Given various annual reporting obligations, what is a reasonable annual report date?
5. Is any additional information needed?

Questions regarding the conference should be directed to Lee Choo by e-mail at [lee-ken.choo@FERC.gov](mailto:lee-ken.choo@FERC.gov) or by phone at 202-502-6334.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. E7-14341 Filed 7-24-07; 8:45 am]

**BILLING CODE 6717-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52 and 81

[EPA-R03-OAR-2007-0476; FRL-8445-3]

#### Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Erie 8-hour Ozone Nonattainment Area to Attainment and Approval of the Associated Maintenance Plan and 2002 Base-Year Inventory

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve a redesignation request and State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania. The Pennsylvania Department of Environmental Protection (PADEP) is requesting that the Erie ozone nonattainment area ("Erie Area" or "Area") be redesignated as attainment for the 8-hour ozone national ambient air quality standard (NAAQS). The Erie Area is comprised of Erie County, Pennsylvania. EPA is proposing