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**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. E8-1848 Filed 1-31-08; 8:45 am]

BILLING CODE 6717-01-P

**DEPARTMENT OF ENERGY**

**Western Area Power Administration**

**Boulder Canyon Project**

**AGENCY:** Western Area Power Administration, DOE.

**ACTION:** Notice of Proposed Base Charge and Rates Adjustment.

**SUMMARY:** The Western Area Power Administration (Western) is proposing an adjustment to the Boulder Canyon Project (BCP) electric service base charge and rates. The current base charge and rates expire September 30, 2008, under Rate Schedule BCP-F7. The current base charge is not sufficient to cover all annual costs including operation, maintenance, replacements, and interest expense, and to repay investment obligations within the required period. The proposed base charge will provide sufficient revenue to cover all annual costs and to repay investment obligations within the allowable period. A detailed rate package that identifies the reasons for the base charge and rates adjustment will be available in March 2008. The proposed base charge and rates are scheduled to become effective on October 1, 2008, and will remain in effect through September 30, 2009. This **Federal Register** notice initiates the formal process for the proposed base charge and rates.

**DATES:** The consultation and comment period will begin today and will end May 1, 2008. Western will present a detailed explanation of the proposed base charge and rates at a public

information forum on April 2, 2008, beginning at 10:30 a.m. MST, in Phoenix, AZ. Western will accept oral and written comments at a public comment forum on April 23, 2008, beginning at 10:30 a.m. MST at the same location. Western will accept written comments any time during the consultation and comment period.

**ADDRESSES:** The public information forum and public comment forum will be held at the Desert Southwest Customer Service Regional Office, located at 615 South 43rd Avenue, Phoenix, AZ, on the dates cited above. Send written comments to: J. Tyler Carlson, Regional Manager, Desert Southwest Customer Service Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005-6457, e-mail [carlson@wapa.gov](mailto:carlson@wapa.gov). Written comments may also be faxed to (602) 605-2490, attention: Jack Murray. Western will post information about the rate process on its Web site at <http://www.wapa.gov/dsw/pwrnkt/BCP/RateAdjust.htm>. Western will post official comments received via letter, fax, and e-mail to its Web site after the close of the comment period. Western must receive written comments by the end of the consultation and comment period to ensure they are considered in Western's decision process.

As access to Western facilities is controlled, any U.S. citizen wishing to attend any meeting held at Western must present an official form of picture identification, such as a U.S. driver's license, U.S. passport, U.S. Government ID, or U.S. Military ID, at the time of the meeting. Foreign nationals should contact Western at least 45 days in advance of the meeting to obtain the necessary form for admittance to Western.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jack Murray, Rates Team Lead, Desert Southwest Customer Service Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005-

6457, (602) 605-2442, e-mail [jmurray@wapa.gov](mailto:jmurray@wapa.gov).

**SUPPLEMENTARY INFORMATION:** The proposed base charge and rates for BCP electric service are designed to recover an annual revenue requirement that includes the investment repayment, interest, operation and maintenance, replacements, payment to states, visitor services, and uprating payments. The total costs are offset by the projected revenue from water sales, visitor services, water pumping energy sales, facilities use charges, regulation and spinning reserve services, miscellaneous leases, and late fees. The projected annual revenue requirement is the base charge for electric service and is divided equally between capacity dollars and energy dollars. Annual energy dollars are divided by annual energy sales, and annual capacity dollars are divided by annual capacity sales to determine the proposed energy rate and the proposed capacity rate.

The Deputy Secretary of Energy approved the existing rate formula for calculating the base charge and rates in Rate Schedule BCP-F7 for BCP electric service on August 11, 2005, (Rate Order No. WAPA-120, 70 FR 50316, August 26, 2005). The Federal Energy Regulatory Commission (Commission) confirmed and approved the rate formula on a final basis in Docket No. EF05-5091-000 issued June 22, 2006 (115 FERC ¶ 61,362). Rate Schedule BCP-F7 became effective on October 1, 2005, for the period ending September 30, 2010. The base charge for FY 2009 is \$71,211,438, the forecasted energy rate is 8.74 mills per kilowatt-hour (mills/kWh), the forecasted capacity rate is \$1.77 per kilowatt-month (kWmonth), and the composite rate is 17.49 mills/kWh.

Under Rate Schedule BCP-F7, the proposed rates for BCP electric service will result in an overall composite rate decrease of about one percent. The following table compares the current and proposed base charge and rates.

COMPARISON OF CURRENT AND PROPOSED BASE CHARGE AND RATES

	Current October 1, 2007 through September 30, 2008	Proposed October 1, 2008 through September 30, 2009	% Change
Composite Rate (mills/kWh) .....	17.64	17.49	- 1
Base Charge (\$) .....	66,975,283	71,211,438	6
Energy Rate (mills/kWh) .....	8.82	8.74	- 1
Capacity Rate (\$/kWmonth) .....	1.63	1.77	9

The increase in the electric service base charge and capacity rate is

primarily the result of projecting no year-end carryover from FY 2008 into

FY 2009. Initial analysis of the projected financial data for FY 2009 reflects a

slight decrease in overall annual costs and a slight increase in other revenues when compared to FY 2008. However, since there is no projected year-end carryover into FY 2009 the result is an overall increase in the base charge for FY 2009. Another factor contributing to the increase in the capacity rate is the decrease in capacity sales associated with lower Lake Mead water elevations. The decrease in the composite and energy rates is due to a slight increase in the FY 2009 energy sales from FY 2008.

**Legal Authority**

Western will hold both a public information forum and a public comment forum. After review of public comments and possible amendments or adjustments, Western will recommend the Deputy Secretary of Energy approve the proposed base charge and rates on a final basis.

Western is establishing an electric service base charge and rates for BCP under the Department of Energy Organization Act (42 U.S.C. 7152); the Reclamation Act of 1902 (ch. 1093, 32 Stat. 388), as amended and supplemented by subsequent laws, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)), and other acts that specifically apply to the project involved.

By Delegation Order No. 00-037.00, effective December 6, 2001, the Secretary of Energy delegated: (1) The authority to develop power and transmission rates to Western's Administrator; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary of Energy; and (3) the authority to confirm, approve, and place into effect on a final basis, to remand or to disapprove such rates to the Commission. Existing Department of Energy (DOE) procedures for public participation in power rate adjustments (10 CFR part 903) were published on September 18, 1985.

**Availability of Information**

All brochures, studies, comments, letters, memorandums or other

documents that Western initiates or uses to develop the proposed rates are available for inspection and copying at the Desert Southwest Customer Service Regional Office, Western Area Power Administration, located at 615 South 43rd Avenue, Phoenix, AZ. Many of these documents and supporting information are also available on Western's Web site at <http://www.wapa.gov/dsw/pwrmtkt/BCP/RateAdjust.htm>.

**Ratemaking Procedure Requirements**

*Environmental Compliance*

In compliance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321, *et seq.*), the Council On Environmental Quality Regulations for implementing NEPA (40 CFR parts 1500-1508), and DOE NEPA Implementing Procedures and Guidelines (10 CFR part 1021), Western has determined this action is categorically excluded from preparing an environmental assessment or an environmental impact statement.

*Determination Under Executive Order 12866*

Western has an exemption from centralized regulatory review under Executive Order 12866, accordingly, no clearance of this notice by the Office of Management and Budget is required.

Dated: January 10, 2008.

**Timothy J. Meeks,**

*Administrator.*

[FR Doc. E8-1872 Filed 1-31-08; 8:45 am]

**BILLING CODE 6450-01-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-8523-6]

**Clean Water Act Section 303(d): Availability of 16 Total Maximum Daily Loads (TMDL) in Louisiana**

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

**ACTION:** Notice of availability.

**SUMMARY:** This notice announces the availability for comment of the

administrative record files for 16 TMDLs and the calculations for these TMDLs prepared by EPA Region 6 for waters listed in the Pearl River and the Terrebonne River Basins of Louisiana, under section 303(d) of the Clean Water Act (CWA). These TMDLs were completed in response to a court order in the lawsuit styled *Sierra Club, et al. v. Clifford, et al.*, No. 96-0527, (E.D. La.).

**DATES:** Comments must be submitted in writing to EPA on or before March 3, 2008.

**ADDRESSES:** Comments on the 16 TMDLs should be sent to Diane Smith, Environmental Protection Specialist, Water Quality Protection Division, U.S. Environmental Protection Agency Region 6, 1445 Ross Ave., Dallas, TX 75202-2733 or e-mail: [smith.diane@epa.gov](mailto:smith.diane@epa.gov). For further information, contact Diane Smith at (214) 665-2145 or fax 214.665.7373. The administrative record files for the 16 TMDLs are available for public inspection at this address as well. Documents from the administrative record files may be viewed at <http://www.epa.gov/earth1r6/6wq/npdes/tmdl/index.htm>, or obtained by calling or writing Ms. Smith at the above address. Please contact Ms. Smith to schedule an inspection.

**FOR FURTHER INFORMATION CONTACT:** Diane Smith at (214) 665-2145.

**SUPPLEMENTARY INFORMATION:** In 1996, two Louisiana environmental groups, the Sierra Club and Louisiana Environmental Action Network (plaintiffs), filed a lawsuit in Federal Court against the EPA, styled *Sierra Club, et al. v. Clifford, et al.*, No. 96-0527, (E.D. La.). Among other claims, plaintiffs alleged that EPA failed to establish Louisiana TMDLs in a timely manner. EPA proposes six of these TMDLs pursuant to a consent decree entered in this lawsuit.

**EPA Seeks Comment on 16 TMDLs**

By this notice EPA is seeking comment on the following 16 TMDLs for waters located within Louisiana basins:

Subsegment	Waterbody name	Pollutant
090101	Pearl River—MS State Line to Pearl River Navigation Canal	Fecal Coliform.
090104	Peters Creek—Headwaters to Pearl River	Fecal Coliform.
090106	Holmes Bayou—From the Pearl River to the West Pearl River (scenic)	Turbidity.
090201	West Pearl River—From Headwaters to confluence with Holmes Bayou (scenic)	Turbidity.
090202	West Pearl River—From confluence with Holmes Bayou to the Rigolets (includes east and west mouths) (scenic).	Turbidity.
090301	Pushpatapa Creek—MS State Line to Pearl River floodplain	Fecal Coliform.
090401	Bogue Lusa Creek—Headwaters to Pearl River	Fecal Coliform.