

those projected in the PRS, and, if so, whether an adjustment, either incremental or decremental, to the Drought Adder rate component is necessary. Western will notify customers by letter each October of the planned incremental or decremental adjustment and implement the adjustment in the January billing cycle. Although decremental adjustments to the Drought Adder rate component will occur as drought costs are repaid, the adjustments cannot result in a negative Drought Adder rate component. To give customers advance notice, Western will conduct a preliminary review of the Drought Adder rate component in early summer and notify customers by letter of the estimated change to the Drought Adder rate component for the following January, with the final Drought Adder rate component adjustment verified with notification in the October letter to the customers. Implementing the Drought Adder rate component adjustment on January 1 of each year will help keep the drought deficits from escalating as quickly, will lower the interest expense due to drought deficits, will demonstrate responsible deficit management, and will provide prompt drought deficit repayments.

As a part of the current and proposed rate schedules, Western provides for a formula-based adjustment of the Drought Adder rate component of up to 2 mills/kWh. The 2 mills/kWh cap is intended to place a limit on the amount the Drought Adder formula can be adjusted relative to associated drought costs without having to go through a public process to recover costs attributable to the Drought Adder formula rate for any one-year cycle.

During informal discussions with its customers prior to the commencement of this rate adjustment process, Western discussed the possibility of implementing a two-step rate adjustment for the Base rate component to address operational and maintenance costs as well as normal inflationary costs that would be entered into the PRS from the FY 2010 work plans. Western has reevaluated the benefits of a two-step rate adjustment and concluded with the unpredictability of the hydrological conditions, rising fuel costs and proposed changes in the electric transmission industry, it is more prudent to forego a two-step rate adjustment and continue the annual customer consultations and possible annual rate adjustments. Therefore, Western is not proposing a two-step rate adjustment in this public process.

Due to continuing below normal hydropower generation in the P-SMBP—ED, Western may need to use

the Continuing Fund (Emergency Fund) to pay for unanticipated purchase power and wheeling expenses necessary to meet its contractual obligations for the sale and delivery of power to its customers. Should Western use this funding mechanism, Western will replenish the Continuing Fund (Emergency Fund) in accordance with law and Western's associated repayment policy, dated March 15, 2007.<sup>3</sup>

#### Legal Authority

Since the proposed rates constitute a major rate adjustment as defined by 10 CFR part 903, Western will hold public information forums and public comment forums. Western will review all timely public comments and make amendments or adjustments to the proposal as appropriate. Proposed rates will be forwarded to the Deputy Secretary of Energy for approval on an interim basis.

Western is establishing firm electric service and peaking rates for P-SMBP—ED 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)); section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s); and other acts that specifically apply to the projects 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 FERC. 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 Upper Great Plains Regional Office, located at 2900 4th Avenue North, Billings, Montana. Many of these documents and supporting information

<sup>3</sup> Western's Continuing Fund (Emergency Fund) Policy can be found at <http://www.wapa.gov/powerm/pdf/repaypolicy.pdf>.

are also available on Western's Web site under the "2009 Firm Rate Adjustment" section located at <http://www.wapa.gov/ugp/rates/2009firmrateadjust>.

#### Ratemaking Procedure Requirements

##### Environmental Compliance

In compliance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321, *et seq.*); Council on Environmental Quality Regulations (40 CFR parts 1500-1508); and DOE NEPA Regulations (10 CFR part 1021), Western is in the process of determining whether an environmental assessment or an environmental impact statement should be prepared or if this action can be categorically excluded from those requirements.

##### 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: July 31, 2008.

**Timothy J. Meeks,**

*Administrator.*

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## ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-8584-7]

### Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at 202-564-7146. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 6, 2008 (73 FR 19833).

#### Draft EISs

*EIS No. 20080164, ERP No. D-NRC-D06005-PA, GENERIC—License Renewal of Nuclear Plants, Supplement 35 to NUREG-1437, Regarding Susquehanna Steam Electric Station, Units 1 and 2, Issuing Nuclear Power Plant Operating Licenses for a 20-Year Period, PA.*

*Summary:* EPA expressed environmental concerns about pollution prevention issues and impacts to

historic and archaeological resources. Rating EC1.

*EIS No. 20080171, ERP No. D-NOA-L91031-WA*, Proposed Authorization of the Makah Indian Tribe's Request to Hunt Gray Whales in the Tribe's Usual and Accustomed Fishing Grounds off the Coast of Washington.

*Summary:* EPA does not object to the proposed project. Rating LO.

*EIS No. 20080186, ERP No. D-FAA-K51044-NV*, City of Mesquite, Proposed Replacement General Aviation Airport, Implementation, Clark County, NV.

*Summary:* EPA expressed environmental concerns about air toxics, aquatic resource, and biological/wildlife impacts as well as indirect impacts associated with the proposed replacement airport site and future non-aviation use of the existing site. EPA requested additional analysis and/or mitigation strategies for each resource area of concern. Rating EC2.

*EIS No. 20080204, ERP No. D-APH-A82128-00*, PROGRAMMATIC—Use of Genetically Engineered Fruit Fly and Pink Bollworm in APHIS Plant Pest Control Programs, Implementation.

*Summary:* EPA has no objection to the proposed action. Rating LO.

*EIS No. 20080253, ERP No. D-NOA-E91024-00*, Amendment 4 to the Spiny Lobster Fishery Management Plan of Puerto Rico and the U.S. Virgin Islands and Amendment 8 to the Spiny Lobster Fishery Management Plan of the Gulf of Mexico and South Atlantic, To Address the Harvest and Exportation of Undersized Lobster Tails to the United States.

*Summary:* EPA expressed environmental concerns about the no action alternative and believes that any of the proposed action alternatives would be more protective. Rating EC2.

*EIS No. 20080195, ERP No. DS-FHW-E40804-TN*, Interstate 69 Segment of Independent Utility (SIU) #8, New Information for a New Crossover Alternative, from TN-385 in Millington, TN to I-155/US 51 in Dyersburg, TN, Funding, Shelby, Tipton, Lauderdale and Dyer Counties, TN.

*Summary:* EPA continues to have environmental concerns about impacts to wetlands, rivers, streams, floodplains, and prime and unique farmland. EPA also has concerns about the selection of Alternative R as the preferred alternative. Rating EC2.

### Final EISs

*EIS No. 20080198, ERP No. F-IBR-K39075-CA*, Fish Passage Improvement Project, Red Bluff Diversion Dam (RBDD), Improvements of Anadromous Fish Passage both Upstream and Downstream, Tehama-Colusa Canal, RBDD to south of the Town of Dunnigan and Corning Canal, RBDD to south of the City of Corning, Funding, U.S. Army COE Section 10 and 404 Permits Issuance, Tehama, Glenn, Colusa, Yolo Counties, CA.

*Summary:* EPA continues to have environmental concerns about water quality impacts, and potential impacts of climate change on the proposed action. We recommended the ROD include a commitment to post-project groundwater monitoring.

*EIS No. 20080211, ERP No. F-FRA-K53012-CA*, Bay Area to Central Valley High-Speed Train (HST) Project, Provide a Reliable High-Speed Electrified Train System to Link Bay Area Cities to the Central Valley, Sacramento, and South California.

*Summary:* EPA continues to have environmental concerns about the proposed project regarding land-use and growth-related impacts.

*EIS No. 20080231, ERP No. F-FRC-L03013-00*, Bradwood Landing Project, Liquefied Natural Gas Import Terminal and Natural Gas Pipeline Facilities, Construction and Operation, U.S. Army COE Section 10 and 404 Permits, Clatsop County, OR and Cowlitz County, WA.

*Summary:* EPA continues to express environmental concerns about impacts to wetlands and air quality.

*EIS No. 20080244, ERP No. F-FAA-E51052-FL*, Fort Lauderdale-Hollywood International Airport, Proposed Development and Extension of Runway 9R/27L and other Associated Airport Projects, Funding, U.S. Army COE Section 404 Permit and NPDES Permit, Fort Lauderdale, Broward County, FL.

*Summary:* EPA continues to have environmental concerns about aircraft noise exposures to residents. Noise mitigation plan specifics and commitments were deferred to the FAA ROD.

*EIS No. 20080277, ERP No. F-SFW-G64013-TX*, Texas Chenier Plain National Wildlife Refuge Complex, Development of a 15-Year Management Plan (Comprehensive Conservation Plan) for Refuge Complex, and Expansion of the Approval Land Acquisition

Boundaries (Land Protection Plan) for the Four Refuges: Moody, Anahuac, McFaddin and Texas Point National Wildlife Refuges, Chambers, Jefferson and Galveston Counties, TX.

*Summary:* No formal comment letter was sent to the preparing agency.

*EIS No. 20080249, ERP No. FS-BLM-J02038-WY*, Pinedale Anticline Oil and Gas Exploration and Development Project, Additional Information on Two New Alternatives, Consolidated Development with Year-Round Development (Construction, Drilling, Completion, and Production), Sublette County, WY.

*Summary:* EPA continues to have environmental concerns about groundwater, ozone, and visibility impacts.

Dated: August 12, 2008.

**Ken Mittelholtz,**

*Environmental Protection Specialist, Office of Federal Activities.*

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### ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-8584-6]

#### Environmental Impact Statements; Notice of Availability

*Responsible Agency:* Office of Federal Activities, General Information (202) 564-1399 or <http://www.epa.gov/compliance/nepa/>.

Weekly Receipt of Environmental Impact Statements.

Filed 08/4/2008 Through 08/8/2008 Pursuant to 40 CFR 1506.9.

*EIS No. 20080306, Final EIS, AFS, 00*, Nebraska and South Dakota Black-Tailed Prairie Dog Management, To Manage Prairie Dog Colonies in an Adaptive Fashion, Nebraska National Forest and Associated Units, Including Land and Resource Management Plan Amendment 3, Dawes, Sioux, Blaines Counties, NE and Custer, Fall River, Jackson, Pennington, Jones, Lyman, Stanley Counties, SD, Wait Period Ends: 09/15/2008, Contact: Mike McNeill 308-432-0315.

*EIS No. 20080307, Final EIS, AFS, OR*, East Maury Fuels and Vegetation Management Project, Proposed Fuels and Vegetation Treatments Reduce the Risk of Stand Loss, Lookout Mountain Ranger District, Ochoco National Forest, Crook County, OR, Wait Period Ends: 09/15/2008, Contact: Barbara Fontaine 541-416-6500.