

*Applicants:* Entergy Services, Inc.  
*Description:* Entergy Gulf States Louisiana, LLC submits a notice of termination of Interconnection and Operating Agreement etc. with Citgo Petroleum Corp.  
*Filed Date:* 01/23/2008.  
*Accession Number:* 20080125-0142.  
*Comment Date:* 5 p.m. Eastern Time on Wednesday, February 13, 2008.  
*Docket Numbers:* ER08-472-000.  
*Applicants:* Southwest Power Pool, Inc.  
*Description:* Southwest Power Pool, Inc. submits revised pages concerning its OATT reimplementing changes to pricing zone rates to be effective 2/1/08.  
*Filed Date:* 01/23/2008.  
*Accession Number:* 20080125-0143.  
*Comment Date:* 5 p.m. Eastern Time on Wednesday, February 13, 2008.  
*Docket Numbers:* ER08-473-000.  
*Applicants:* ISO New England, Inc.  
*Description:* ISO New England Inc. *et al.* submits an amendment of Governing Law Provisions to the Study Agreements of Schedule 22 etc.  
*Filed Date:* 01/24/2008.  
*Accession Number:* 20080125-0144.  
*Comment Date:* 5 p.m. Eastern Time on Thursday, February 14, 2008.  
*Docket Numbers:* ER08-474-000.  
*Applicants:* ISO New England Inc.  
*Description:* ISO New England, Inc. and the New England Power Pool Participants Committee submits revised tariff sheets and supporting testimony of Marc D. Montalvo, repropoed revisions to Market Rule 1.  
*Filed Date:* 01/25/2008.  
*Accession Number:* 20080128-0013.  
*Comment Date:* 5 p.m. Eastern Time on Friday, February 15, 2008.  
 Take notice that the Commission received the following electric securities filings:  
*Docket Numbers:* ES08-25-000.  
*Applicants:* Aquila, Inc.  
*Description:* Aquila, Inc.'s Application for Authorization of Issuance of Notes and Debt with Maturity of One Year or Less.  
*Filed Date:* 01/22/2008.  
*Accession Number:* 20080122-5012.  
*Comment Date:* 5 p.m. Eastern Time on Tuesday, February 12, 2008.  
 Take notice that the Commission received the following public utility holding company filings:  
*Docket Numbers:* PH08-16-000.  
*Applicants:* Milliken & Company.  
*Description:* Notice of Material Change in Facts of Milliken & Company.  
*Filed Date:* 01/02/2008.  
*Accession Number:* 20080102-5027.  
*Comment Date:* 5 p.m. Eastern Time on Wednesday, January 23, 2008.  
*Docket Numbers:* PH08-17-000.

*Applicants:* E.ON North America Holdings LLC.  
*Description:* E.ON North America Holdings LLC's Waiver Notification on FERC-65B and filed a corrected version.  
*Filed Date:* 01/17/2008.  
*Accession Number:* 20080117-5046 & 20080117-5049.  
*Comment Date:* 5 p.m. Eastern Time on Thursday, February 7, 2008.  
*Docket Numbers:* PH08-19-000.  
*Applicants:* ITC Holdings Corp.  
*Description:* FERC Form 65 B, Waiver Notification of ITC Holdings Corp.  
*Filed Date:* 01/22/2008.  
*Accession Number:* 20080122-5033.  
*Comment Date:* 5 p.m. Eastern Time on Tuesday, February 12, 2008.  
*Docket Numbers:* PH08-20-000.  
*Applicants:* Cerberus Capital Management, L.P.  
*Description:* FERC Form 65 B, Waiver Notification of Cerberus Capital Management, L.P.  
*Filed Date:* 01/22/2008.  
*Accession Number:* 20080122-5187.  
*Comment Date:* 5 p.m. Eastern Time on Tuesday, February 12, 2008.  
 Take notice that the Commission received the following PURPA 210(m)(3) filings: —  
*Docket Numbers:* QM08-3-000.  
*Applicants:* Alliant Energy Corporate Services, Inc., Wisconsin Power & Light Co., Interstate Power & Light Company.  
*Description:* Application for authorization to terminate the Mandatory Purchase Obligation of power from qualified facilities over twenty megawatts on a service territory-wide basis, pursuant to section 292.310(a).  
*Filed Date:* 01/25/2008.  
*Accession Number:* 20080125-5140.  
*Comment Date:* 5 p.m. Eastern Time on Friday, February 22, 2008.  
 Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

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

*Deputy Secretary.*

[FR Doc. E8-1996 Filed 2-4-08; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Southwestern Power Administration

#### White River Minimum Flows— Determination of Federal and Non- Federal Hydropower Impacts

**AGENCY:** Southwestern Power Administration, DOE.

**ACTION:** Notice of Public Review and Comment.

**SUMMARY:** Section 132 of Public Law 109-103 (2005) authorized and directed the Secretary of the Army to implement alternatives BS-3 and NF-7, as described in the White River Minimum Flows Reallocation Study Report, Arkansas and Missouri, dated July 2004.

The law states that the Administrator, Southwestern Power Administration (Southwestern), shall determine any impacts on electric energy and capacity generated at Federal Energy Regulatory Commission (FERC) Project No. 2221 caused by the storage reallocation at Bull Shoals Lake. Further, the licensee

of Project No. 2221 shall be fully compensated by the Corps of Engineers for those impacts on the basis of the present value of the estimated future lifetime replacement costs of the electrical energy and capacity at the time of implementation of the White River Minimum Flows project.

The law also states that losses to the Federal hydropower purpose of the Bull Shoals and Norfork Projects shall be offset by a reduction in the costs allocated to the Federal hydropower purpose. Further, such reduction shall be determined by the Administrator of Southwestern on the basis of the present value of the estimated future lifetime replacement cost of the electrical energy and capacity at the time of implementation of the White River Minimum Flows project.

Assuming a January 1, 2011, date of implementation, Southwestern has made a draft determination that the present value of the estimated future lifetime replacement costs of the electrical energy and capacity at FERC Project No. 2221 is \$21,363,700. Southwestern has made a draft determination that the present value of the estimated future lifetime replacement costs of the electrical energy and capacity for Federal hydropower is \$41,584,800.

**DATES:** The consultation and comment period will begin on the date of publication of this **Federal Register** notice and will end March 6, 2008.

**FOR FURTHER INFORMATION CONTACT:** Mr. George Robbins, Director, Division of Resources and Rates, Southwestern Power Administration, U.S. Department of Energy, One West Third Street, Tulsa, Oklahoma 74103, (918) 595-6680, [george.robbs@swpa.gov](mailto:george.robbs@swpa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Discussion**

Originally established by Secretarial Order No. 1865 dated August 31, 1943, Southwestern is an agency within the U.S. Department of Energy which was created by an Act of the U.S. Congress, entitled the Department of Energy Organization Act, Pub. L. No. 95-91 (1977). Southwestern markets power from 24 multi-purpose reservoir projects with hydroelectric power facilities constructed and operated by the U.S. Army Corps of Engineers. These projects are located in the states of Arkansas, Missouri, Oklahoma, and Texas. Southwestern's marketing area includes these states plus Kansas and Louisiana.

Southwestern developed projected energy and capacity losses for the Bull Shoals and Norfork projects and FERC Project No. 2221, including additional

losses related to the reallocation for minimum flows as appropriate. Currently, the calculated credit due to Federal hydropower is \$41,584,800, and the calculated compensation due to the licensee of FERC Project No. 2221 is \$21,363,700. The values were calculated on the basis of the present value of the estimated future lifetime replacement cost of the electrical energy and capacity assuming an implementation date of January 1, 2011, for the White River Minimum Flows project. The final calculation will depend on the official date of implementation as specified by the Corps of Engineers and the value of the specified parameters in effect at that time.

Section 132 of Public Law 109-103 (2005) authorized alternative BS-3 at Bull Shoals, as described in the White River Minimum Flows Reallocation Study Report, Arkansas and Missouri, dated July 2004. Under the authorized plan for the Bull Shoals project, the storage for minimum flows will be reallocated from the flood control pool with provisions to maintain the current yield of the hydropower storage. The current seasonal pool plan will be superimposed on the new top of conservation pool. The additional downstream releases for minimum flows will be accomplished by generating with one of the main units at a low, inefficient rate. Since the current hydropower yield will be maintained, there will be no loss of marketable capacity or peaking energy at Bull Shoals. The annual energy loss, 23,855 megawatt-hours (MWh) per year of off-peak energy, will be the result of making the required minimum downstream releases by generating energy at a much lower plant efficiency and at a time when the energy is not needed to fulfill Federal peaking energy contracts. Operating a main unit at the lower efficiency will also increase the average maintenance costs at the project by an estimated \$68,000 per year.

Section 132 of Public Law 109-103 (2005) authorized alternative NF-7 at Norfork, as described in the White River Minimum Flows Reallocation Study Report, Arkansas and Missouri, dated July 2004. Under the authorized plan for the Norfork project, one-half of the storage for minimum flows will be reallocated from the flood control pool and the other half from hydropower storage. The reallocation portion from the flood control storage is similar to that at Bull Shoals in that the hydropower storage yield for that portion is maintained and the existing seasonal pool plan will be superimposed on the new top of conservation pool. However, the

releases will be spilled through a siphon with no energy generated from the water. Although there is no marketable capacity loss associated with the flood control storage reallocation, there is an off-peak energy loss. The reallocation from the hydropower storage does reduce the yield available to hydropower and will directly impact the marketable capacity and on-peak energy available at Norfork. The annual energy loss at Norfork associated with the reallocation is 6,762 MWh of off-peak energy and 6,762 MWh of on-peak energy, for a total annual energy loss of 13,524 MWh. The marketable capacity loss is 3.93 megawatts (MW).

FERC Project No. 2221, the non-Federal hydroelectric project at Powersite Dam, will be directly affected by the minimum flow plan. The normal top of conservation pool will be raised five feet at Bull Shoals, the project immediately downstream of Powersite Dam. The pool level increase at Bull Shoals will reduce the amount of gross head (headwater elevation minus the tailwater elevation) available for generation at the non-Federal project at Powersite Dam. The reduction in gross head will result in an annual energy loss of 5,792 MWh of on-peak energy and 2,853 MWh of off-peak energy, or an annual total energy loss of 8,645 MWh. Also associated with the loss of gross head, there will be a capacity loss of 3.00 MW at the project.

##### **II. Procedural and Regulatory Review Requirements**

###### *A. Review Under Executive Order 12866*

Southwestern has an exemption from centralized regulatory review under Executive Order 12866, "Regulatory Planning and Review," 58 FR 51735, October 4, 1993. Accordingly, this notice of draft determination was not reviewed by OMB under the Executive Order.

###### *B. Review Under the Regulatory Flexibility Act*

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.) requires Federal agencies to perform a regulatory flexibility analysis if a final rule is likely to have a significant economic impact on a substantial number of small entities and there is a legal requirement to issue a general notice of proposed rulemaking. This draft determination is not a rulemaking.

###### *C. Review Under the Paperwork Reduction Act*

No new information or record keeping requirements are imposed by this draft determination. Accordingly, no OMB

clearance is required under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

*D. Review Under the National Environmental Policy Act of 1969*

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), Southwestern has determined that this draft determination is not addressed under DOE NEPA Implementing Procedures and Guidelines for Power Marketing Administrations, and no further action is required.

*E. Review Under Executive Order 13132*

Executive Order 13132, “Federalism” (64 FR 43255, August 10, 1999), imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. Southwestern is not formulating or implementing policies or regulations that preempt State law or that have federalism implications. Executive Order 13132 does not apply.

*F. Review Under Executive Order 12988*

With respect to the review of existing regulations and the promulgation of new regulations, section 3, (a) of Executive Order 12988, “Civil Justice Reform” (61 FR 4729, February 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; and (3) provide a clear legal standard for affected conduct rather than a general standard and promote simplification and burden reduction. Section 3(b) of Executive Order 12988 specifically requires that Federal agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Federal agencies to determine whether the regulations meet the applicable standard in section 3(a) and section 3(b), or it is unreasonable to

meet one or more of them. Southwestern is not reviewing existing regulations or promulgating new regulations. Executive Order 12988 does not apply.

*G. Review Under the Unfunded Mandates Reform Act of 1995*

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4 (1995)) requires each Federal agency to assess the effects of a Federal regulatory action on State, local, and tribal governments, and the private sector. Southwestern has determined that the Unfunded Mandates Reform Act of 1995 does not apply to the draft determination.

*H. Review Under the Treasury and General Government Appropriations Act, 1999*

Section 654 (112 Stat 2681–528) of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277, (1998)) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This draft determination is not a rule. Therefore, Section 654 (112 Stat 2681–528) of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277, (1998)) does not apply.

*I. Review Under the Treasury and General Government Appropriations Act, 2001.*

The Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3316 note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by the Office of Management and Budget (OMB). OMB’s guidelines were published at 67 FR 8452 (February 22, 2002), and DOE’s guidelines were published at 67 FR 62446 (October 7, 2002). Southwestern has reviewed this notice under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

*J. Review Under Executive Order 13211*

Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001), requires Federal agencies to prepare and submit to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget, a Statement of Energy Effects for any proposed significant energy action. A “significant energy action” is defined as: (1) Any action by an agency that promulgated or is expected to lead to

promulgation of a final rule; (2) is a significant regulatory action under Executive Order 12866, or any successor order; and (3) is likely to have significant adverse effect on the supply, distribution, or use of energy, or is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use. This draft determination is not an energy action. Executive Order 13211 does not apply.

**III. Public Review and Comment Procedures**

Opportunity is presented for interested parties to receive copies of the Draft Report detailing Southwestern’s determination of the Federal and non-Federal hydropower impacts. If you desire a copy of the report, submit your request to Mr. George Robbins, Director, Division of Resources and Rates, Southwestern Power Administration, One West Third, Tulsa, OK 74103, (918) 595–6680.

Written comments on Southwestern’s determination are due on or before March 6, 2008. Comments should be submitted to George Robbins, Director, Division of Resources and Rates, Southwestern, at the above-mentioned address for Southwestern’s offices.

Southwestern will review and address the written comments, making any necessary changes to the draft determination. The Administrator will then submit the final determination to the Corps of Engineers.

Dated: January 30, 2008.

**Jon Worthington,**  
Administrator.

[FR Doc. E8–2085 Filed 2–4–08; 8:45 am]

BILLING CODE 6450–01–P

**ENVIRONMENTAL PROTECTION AGENCY**

[EPA–R05–OAR–2007–0653; FRL–8525–4]

**Adequacy Status of the Metro-East St. Louis, IL, Submitted 8-Hour Ozone Attainment Demonstration and State Implementation Plan for Transportation Conformity Purposes**

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

**ACTION:** Notice of adequacy.