

schedule changes. Additionally, they argue that there may be a lag between the effective date of the revisions to the WSPP Agreement and the effective date of revisions in a company's stand-alone rate schedule, which they claim will create confusion between counterparties. APS and Xcel contend that confusion may also result in transactions between parties if a WSPP member does not incorporate each and every revision to the WSPP Agreement in the company-specific stand-alone rate schedule. They explain that a prospective buyer may have the mistaken impression that the seller has implemented every term and condition of the WSPP Agreement in the stand-alone rate schedule, when, in fact, a seller has not proposed certain revisions.

8. APS and Xcel suggest what they describe as less procedurally complex, alternative approaches to implement the February 21 Order, including allowing cross-referencing of company-specific cost-based demand charges in a separate cost-based tariff. Alternatively, they suggest that the Commission could permit company-specific rate schedules to be incorporated into the WSPP Agreement itself.

III. Commission Determination

9. In the Order Instituting Hearing, the Commission emphasized that it was not investigating whether sellers that are found to have market power, or are presumed to have market power, may continue to use the non-rate terms and conditions under the WSPP Agreement; nor was the Commission investigating the transmission rates under the WSPP Agreement. Moreover, in the February 21 Order, the Commission emphasized that the finding reached would affect only a limited number of sellers. The Commission specifically stated that it was not requiring each WSPP member public utility to cost-justify the use of the WSPP Agreement demand charge or to file an individual cost-based rate. Instead, the Commission required only those jurisdictional sellers that lack market-based rate authorization, or those sellers that lose or relinquish their market-based rate authority (including

those sellers currently using the WSPP Agreement as mitigation), to provide cost justification to demonstrate that use of the WSPP "up to" demand charge is just and reasonable for those particular sellers. Only if such sellers cannot justify the demand charge would they need to file a separate, stand-alone rate schedule that could mirror the non-rate terms and conditions of the WSPP Agreement. Thus, only a limited number of utilities are affected by the February 21 Order.⁷

10. The proposal by APS and Xcel to cross-reference company-specific cost-based demand charges in the WSPP Agreement is not consistent with Commission requirements. The Commission requires public utilities to post full and complete rate schedules and tariffs, rather than incorporating rates by reference.⁸ Accordingly, we will deny APS' and Xcel's request for reconsideration on this proposal.

11. APS and Xcel alternatively propose that the Commission permit company-specific rates in rate schedules to be incorporated into the WSPP Agreement. They argue that the requirement in the February 21 Order that sellers who cannot justify the demand charge must file a separate, stand-alone rate schedule will reduce efficiencies for certain WSPP members and cause potential waste of Commission resources. APS and Xcel cite the need for additional credit checks and postings, as well as potential numerous rate schedule changes, as examples of requirements that will discourage potential trading partners from entering into agreements with WSPP members.

12. The proposal to allow the incorporation of company-specific rates in rate schedules in the WSPP Agreement would require amendment of the WSPP Agreement. To assist us in our analysis of this proposal, we will provide WSPP and any other interested party the opportunity to submit comments on the proposal to incorporate company-specific rate schedules into the WSPP Agreement within 30 days of the date of issuance of this order, with reply comments due 15 days thereafter.

The Commission orders:

(A) APS' and Xcel's request for reconsideration is hereby denied with respect to the proposal to cross-reference company-specific demand charges in the WSPP Agreement, as discussed in the body of this order.

(B) The Commission hereby provides WSPP and interested parties an opportunity to comment on the proposal to incorporate company-specific rate schedules in the WSPP Agreement within 30 days of the date of issuance of this order, and reply comments within 15 days, as discussed above.

(C) The Secretary is directed to publish a copy of this order in the **Federal Register**.

By the Commission.

Kimberly D. Bose,
Secretary.

[FR Doc. E8-16914 Filed 7-23-08; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-R01-OW-2008-0213; FRL-8696-7]

Massachusetts Marine Sanitation Device Standard—Notice of Determination

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Determination.

SUMMARY: The Regional Administrator of the Environmental Protection Agency—New England Region, has determined that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the state waters of Boston, Braintree, Cambridge, Chelsea, Everett, Hingham, Hull, Milton, Newton, Quincy, Watertown, Weymouth, and Winthrop.

ADDRESSES: *Docket:* All documents in the docket are listed in the www.regulations.gov index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material,

⁷ We note that two sellers have filed cost justification for continued use of the WSPP Agreement demand charge. Those filings are pending before the Commission. Three others, including APS, filed letters stating that they would not use the WSPP Agreement in balancing authority areas in which they are mitigated.

⁸ See 18 CFR 35.1(a) (2008); see also *Louisville Gas and Electric Co.*, 114 FERC ¶ 61,282, at P 186 (2006).

will be publicly available only in hard copy. Publicly available docket materials are available electronically in www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: Ann Rodney, U.S. Environmental Protection Agency—New England Region, One

Congress Street, Suite 1100, COP, Boston, MA 02114–2023. Telephone: (617) 918–0538. Fax number: (617) 918–1505. e-mail address: Rodney.ann@epa.gov.

SUPPLEMENTARY INFORMATION: This Notice of Determination is for the state waters of Boston, Braintree, Cambridge, Chelsea, Everett, Hingham, Hull, Milton, Newton, Quincy, Watertown, Weymouth, and Winthrop. The area of designation includes:

Waterbody/general area	Latitude	Longitude
Landside Town boundary between Revere and Winthrop	42°23'30" N	70°58'50" W
Offshore town boundary between Nahant, Revere, and Winthrop	42°24'28" N	70°57'33" W
Offshore town boundary between Nahant and Winthrop	42°23'13" N	70°55'28" W
Offshore town boundary between Nahant and Winthrop	42°23'04" N	70°54'04" W
Offshore town boundary between Nahant and Winthrop	42°23'32" N	70°51'28" W
Aid to Navigation RW "BG" Mo (A), 1.6nm NNE of the Graves	42°23'27" N	70°51'30" W
Aid to Navigation G "5" FI G 4s WHISTLE, 0.8nm NE of the Graves	42°22'34" N	70°51'29" W
Aid to Navigation R "2" FI R 4s BELL, Three & One-Half Fathom Ledge	42°21'04" N	70°50'31" W
Aid to Navigation G "1" Q G WHISTLE, Thieves Ledge	42°19'32" N	70°49'51" W
Offshore town boundary between Hull and Cohasset	42°18'34" N	70°47'25" W
Landside boundary between Hull and Cohasset	42°15'54" N	70°49'34" W

The landward boundaries of the NDA are:

Waterbody/general area	Latitude	Longitude
The Saratoga Street bridge between Winthrop and Boston	42°22'58" N	70°59'40" W
The railway bridge on the Chelsea River between Chelsea and Revere	42°24'06" N	71°00'40" W
The Amelia Earhart Dam on the Mystic River	42°23'42" N	71°04'30" W
The Watertown Dam on the Charles River	42°21'55" N	71°11'22" W
The Baker Dam on the Neponset River	42°16'15" N	71°04'08" W
The Shaw Street bridge on the Weymouth Fore River	42°13'20" N	71°58'25" W
Where Bridge Street crosses the Weymouth Back River between Weymouth and Hingham	42°14'50" N	70°55'52" W
Where Nantasket Avenue crosses the Weir River between Hingham and Hull	42°15'37" N	70°50'41" W

On June 6, 2008, notice was published that the Commonwealth of Massachusetts had petitioned the Regional Administrator, Environmental Protection Agency, to determine that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the state waters of Boston, Braintree, Cambridge, Chelsea, Everett, Hingham, Hull, Milton, Newton, Quincy, Watertown, Weymouth, and Winthrop. Three comments were received on this petition.

The petition was filed pursuant to Section 312(f)(3) of Public Law 92–500, as amended by Public laws 95–217 and 100–4, for the purpose of declaring these waters a “No Discharge Area” (NDA).

Section 312(f)(3) states: After the effective date of the initial standards and regulations promulgated under this section, if any State determines that the protection and enhancement of the quality of some or all of the waters within such States require greater environmental protection, such State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into such waters, except that no such prohibition shall apply until the Administrator determines that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for such water to which such prohibition would apply.

The information submitted to EPA by the Commonwealth of Massachusetts

certifies that there are 35 pumpout facilities located within the area. A list of the facilities, with phone numbers, locations, and hours of operation is appended at the end of this determination.

Based on the examination of the petition, its supporting documentation, and information from site visits conducted by EPA New England staff, EPA has determined that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the area covered under this determination.

This determination is made pursuant to Section 312(f)(3) of Public Law 92–500, as amended by Public Laws 95–217 and 100–4.

PUMPOUT FACILITIES WITHIN THE NO DISCHARGE AREA

Name	Location	Contact info.	Hours	Mean low water depth (ft)
Boston Harbor Shipyard and Marina	Boston	(617) 561–1400 VHF 9	7 a.m.–8 p.m. On call	*** 25
The Marina At Rowes Wharf	Boston	(617) 439–3131 VHF 9	8 a.m.–4 p.m. May 1–Oct 31	10
Boston Waterboat Marina	Boston	(617) 523–1027 VHF 9	7 a.m.–7 p.m. Call ahead	*** 5 to 25
Boston Yacht Haven	Boston	(617) 367–5050 VHF 9	8 a.m.–7 p.m.	10
Black Falcon Pier	Boston	(617) 946–4417	9 a.m.–5 p.m.	35

PUMPOUT FACILITIES WITHIN THE NO DISCHARGE AREA—Continued

Name	Location	Contact info.	Hours	Mean low water depth (ft)
**Boston Harbor Cruises	Boston	(617) 227-4321	6:30 a.m.–8:30 p.m. (week-days). 10 a.m.–6:30 p.m. (week-ends).	22
Boston Towing & Transportation	Boston	(617) 567-9100	24/7	***
*City of Boston	Boston	TBD	TBD	***
*Berth 10	Boston	(617) 918-6203	TBD	
**Mass Bays Lines	Boston	(617) 542-8000		
Charles River Yacht Club	Cambridge	(617) 354-8881 VHF 9	8 a.m.–8 p.m.	***
**Charles Riverboat Company	Cambridge	(617) 621-3001		
Constitution Marina	Charlestown	(617) 241-9818 VHF 69	9 a.m.–8 p.m. (summer) 9 a.m.–5 p.m. (winter)	30 ***
Mystic Marine	Charlestown	(617) 293-6247 VHF 72	7 a.m.–7 p.m. (Mon-Fri)	35 35
Shipyards Quarters Marina	Charlestown	(617) 242-2020 VHF 7, 9, 16	8 a.m.–7 p.m.	*** 20
Charleston Pier 4	Charlestown	(617) 918-6231	Appointment Only	30
*Charlestown Pier 3	Charlestown	(617) 918-6201	TBD	
Constellation Tug	Charlestown	(617) 561-0223	24/7	*
Marine At Admirals Hill	Chelsea	(617) 889-4002 VHF 9, 10	8 a.m.–5 p.m.	6
Dorchester Yacht Club	Dorchester	(617) 436-1002 VHF 9	8 a.m.–6 p.m.	7
Port Norfolk Yacht Club	Dorchester	(617) 822-3333 VHF 9, 11	24/7 self-service	7.5
Town of Hingham	Hingham	(781) 741-1450 VHF 12, 16	3 p.m.–7 p.m. (Tue, Thurs, Sat & Sun).	***
Town of Hull	Hull	(781) 925-0316 VHF 9, 16	8 a.m.–4 p.m.	*** *TBD
Quincy Bay	Quincy	(617) 908-9757 VHF 9	8 a.m.–4 p.m. (weekend) High-tide (weekday)	*** ***
Bay Pointe Marina	Quincy	(617) 471-1777 VHF 9	Call ahead	8
Captain's Cove Marina	Quincy	(617) 328-3331 VHF 69	24/7	6
Marina Bay on Boston Harbor	Quincy	(617) 847-1800 VHF 10	7:30 a.m.–8 p.m.	***
Town River Yacht Club	Quincy	(617) 471-2716 VHF 71	Call ahead	35
**Harbor Express	Quincy	(617) 542-8000		
Watertown Yacht Club	Watertown	(617) 924-9848	8 a.m.–4 p.m. (Tue-Thur, Sat) 11 a.m.–7 p.m. (Fri)	6
Wessagusset Yacht Club	Weymouth	VHF 71	6 a.m.–8 p.m. (Mon-Fri) 9 a.m.–9 p.m. (Sat-Sun)	8
Town of Winthrop	Winthrop	(617) 839-4000 VHF 9, 16	10 a.m.–8 p.m.	*** 8 to 30

* = Pending facilities.
 ** = Private commercial facilities.
 *** = Not applicable.

Dated: July 9, 2008.

Robert W. Varney,
 Regional Administrator, Region 1.
 [FR Doc. E8-16981 Filed 7-23-08; 8:45 am]
 BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-8696-8; Docket ID No. EPA-HQ-ORD-2006-0260]

Draft Integrated Science Assessment for Sulfur Oxides—Health Criteria

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of an extension of the public comment period for the Draft Integrated Science Assessment for Sulfur Oxides—Health Criteria.

SUMMARY: The EPA is announcing an extension of the public comment period for the draft document titled,

“Integrated Science Assessment for Sulfur Oxides—Health Criteria; Second External Review Draft” (EPA 600/R-08/047). The draft document was prepared by the National Center for Environmental Assessment within EPA’s Office of Research and Development as part of the Agency’s review of the primary (health-based) national ambient air quality standards (NAAQS) for sulfur dioxide (SO₂).

EPA is releasing this draft document solely for the purpose of seeking public comment and for review by the Clean Air Scientific Advisory Committee (CASAC) (meeting date and location to be specified in a separate **Federal Register** notice). It does not represent and should not be construed to represent any Agency policy, viewpoint, or determination. EPA will consider any public comments submitted in accordance with this notice when revising the document.

DATES: The public comment period began on May 30, 2008. This notice announces the extension of the deadline for public comment from July 25, 2008, to August 11, 2008. Comments must be received on or before August 11, 2008.

ADDRESSES: The “Draft Integrated Science Assessment for Sulfur Oxides—Health Criteria” will be available primarily via the Internet on the National Center for Environmental Assessment’s home page under the Recent Additions and Publications menus at <http://www.epa.gov/ncea>. A limited number of CD-ROM or paper copies will be available. Contact Ms. Ellen Lorang by phone (919-541-2771), fax (919-541-5078), or e-mail (lorang.ellen@epa.gov) to request either of these, and please provide your name, your mailing address, and the document title, “Draft Integrated Science Assessment for Sulfur Oxides—Health