

considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit the original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

Comment Date: December 23, 2008.

Kimberly D. Bose,
Secretary.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-8748-6]

Clean Water Act Section 303(d): Availability of Los Cerritos Channel Total Maximum Daily Loads (TMDLs)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This action announces the availability of EPA proposed total maximum daily loads (TMDLs) for the freshwater portion of Los Cerritos Channel to address elevated metals concentrations pursuant to Clean Water Act section 303(d)(1), and requests public comment. Section 303(d)(1) requires that states submit water quality planning documents called total maximum daily loads for impaired waters for which existing technology-based pollution controls are not stringent enough to attain or maintain state water quality standards. EPA must approve or disapprove the State's submitted TMDLs.

EPA is providing the public the opportunity to review proposed TMDLs for Los Cerritos Channel metals. EPA is establishing these TMDLs in lieu of California because of deadlines associated with the consent decree described under **SUPPLEMENTARY INFORMATION**. EPA will prepare a responsiveness summary that demonstrates how public comments were considered in the final TMDL decisions. The responsiveness document will be available when the TMDLs are established.

DATES: Comments must be submitted to EPA on or before January 22, 2009.

ADDRESSES: Comments on the proposed decisions should be sent to Karen Irwin, Water Division (WTR-2), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105, telephone (415) 947-4116, facsimile (415) 947-3537, email irwin.karen@epa.gov. Oral comments will not be considered. Copies of the proposed TMDLs for Los Cerritos Channel will be available on EPA Region 9's Web site at <http://www.epa.gov/region9/water/tmdl/303d.html> or by writing or calling Karen Irwin. Underlying documentation comprising the record for these TMDLs is available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT:

Karen Irwin at (415) 947-4116 or irwin.karen@epa.gov.

SUPPLEMENTARY INFORMATION: Section 303(d) of the Clean Water Act requires states to identify water bodies that do not meet water quality standards and then to establish TMDLs for each water body for each pollutant of concern. TMDLs identify the maximum amount of pollutants that can be discharged to water bodies without causing violations of water quality standards. Los Cerritos Channel is included on the State of California's section 303(d) list of polluted waters due to water quality impacts associated with discharges of

metals. EPA will establish TMDLs for metals in Los Cerritos Channel by March 2012 because of deadlines under a consent decree (*Heal the Bay Inc., et al. v. Browner* C 98-4825 SBA, entered March 24, 1999).

Dated: November 28, 2008.

Alexis Strauss,

Director, Water Division, Region IX.

[FR Doc. E8-28981 Filed 12-5-08; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2006-0922; FRL-8748-5]

Final Risk and Exposure Assessment Report for Nitrogen Dioxide (NO₂)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of final report.

SUMMARY: On November 21, 2008, the Office of Air Quality Planning and Standards (OAQPS) of EPA made available a final report titled, *Risk and Exposure Assessment to Support the Review of the NO₂ Primary National Ambient Air Quality Standard: Final Report*. This final report has two primary purposes. The first is to convey the approaches taken to characterize human exposures and health risks associated with ambient NO₂ and to present the results of these analyses. The second is to present a discussion of the NO₂ scientific evidence and the exposure- and risk-based information specifically as it relates to the current and potential alternative NO₂ standards.

FOR FURTHER INFORMATION CONTACT: Dr. Scott Jenkins, Office of Air Quality Planning and Standards (Mail Code C504-06), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; e-mail: Jenkins.scott@epa.gov; telephone: 919-541-1167; fax: 919-541-0237.

SUPPLEMENTARY INFORMATION:

General Information

A. How Can I Get Copies of This Document and Other Related Information

1. *Docket.* EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2006-0922. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public