

System capacity. NWPAs—830 ‘Appendix G—Standard Remittance Advice for Payment of Fees’, and ‘Annex A and Annex B to Appendix G—Standard Remittance Advice for Payment of Fees’ are designed to serve as the source document for entries into DOE accounting records to transmit data from Purchasers to the DOE concerning payment of their fees for spent nuclear fuel and high-level waste disposal into the Nuclear Waste Fund. The Remittance Advice (RA) must be submitted by Purchasers who signed the Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste with the DOE.

## II. Current Actions

The current proposed action is a three-year extension of two existing data collections. This is a request for comments on EIA’s proposal to request this three-year extension of approval to continue collecting information with Forms NWPAs—830, the ‘Appendix C—Delivery Commitment Schedule,’ and the NWPAs—830 ‘Appendix G—Standard Remittance Advice for Payment of Fees’ with no change to the existing collections.

## III. Request for Comments

Prospective respondents and other interested parties should comment on the actions discussed in item II. The following guidelines are provided to assist in the preparation of comments. Please indicate to which form(s) your comments apply.

### General Issues

A. Are the proposed collections of information necessary for the proper performance of the functions of the agency and does the information have practical utility? Practical utility is defined as the actual usefulness of information to or for an agency, taking into account its accuracy, adequacy, reliability, timeliness, and the agency’s ability to process the information it collects.

B. What enhancements can be made to the quality, utility, and clarity of the information to be collected?

### As a Potential Respondent to the Request for Information

A. What actions could be taken to help ensure and maximize the quality, objectivity, utility, and integrity of the information to be collected?

B. Are the instructions and definitions clear and sufficient? If not, which instructions need clarification?

C. Can the information be submitted by the due date?

D. Public reporting burden to complete Form NWPAs—830C, the estimated burden per response is 2 hours. To complete Form NWPAs—830G the average time per response is five and one half hours. The data for the Form NWPAs—830G is collected quarterly. The estimated burden includes the total time necessary to provide the requested information. In your opinion, how accurate is this estimate?

E. The agency estimates that the only cost to a respondent is for the time it will take to complete the collection. Will a respondent incur start-up costs for reporting, or any recurring annual costs for operation, maintenance, and purchase of services associated with the information collection?

F. What additional actions could be taken to minimize the burden of this collection of information? Such actions may involve the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

G. Does any other Federal, State, or local agency collect similar information? If so, specify the agency, the data element(s), and the methods of collection.

### As a Potential Data User of the Information To Be Collected:

A. What actions could be taken to help ensure and maximize the quality, objectivity, utility, and integrity of the information disseminated?

B. Is the information useful at the levels of detail to be collected?

C. For what purpose(s) would the information be used? Be specific.

D. Are there alternate sources for the information and are they useful? If so, what are their weaknesses and/or strengths?

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the form. They also will become a matter of public record.

**Statutory Authority:** Sections 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13, 44 U.S.C. Chapter 35).

Issued in Washington, DC, December 14, 2005.

**Jay H. Casselberry,**

*Agency Clearance Officer, Energy Information Administration.*

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## DEPARTMENT OF ENERGY

### Energy Information Administration

#### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**AGENCY:** Energy Information Administration (EIA), Department of Energy (DOE).

**ACTION:** Agency information collection activities: submission for OMB review; comment request.

**SUMMARY:** The EIA has submitted the Form ERA–766R ‘‘Recordkeeping Requirements of DOE’s General Allocation and Price Rules,’’ to the Office of Management and Budget (OMB) for review and a three-year extension under section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) (44 U.S.C. 3501 et seq.).

**DATES:** Comments must be filed by January 20, 2006. If you anticipate that you will be submitting comments but find it difficult to do so within that period, you should contact the OMB Desk Officer for DOE listed below as soon as possible.

**ADDRESSES:** Send comments to John Asalone, OMB Desk Officer for DOE, Office of Information and Regulatory Affairs, Office of Management and Budget. To ensure receipt of the comments by the due date, submission by FAX (202–395–7285) or e-mail ([John\\_A.\\_Asalone@omb.eop.gov](mailto:John_A._Asalone@omb.eop.gov)) is recommended. The mailing address is 726 Jackson Place NW., Washington, DC 20503. The OMB DOE Desk Officer may be telephoned at (202) 395–4650. (A copy of your comments should also be provided to EIA’s Statistics and Methods Group at the address below.)

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Grace Sutherland. To ensure receipt of the comments by the due date, submission by FAX (202–287–1705) or e-mail ([grace.sutherland@eia.doe.gov](mailto:grace.sutherland@eia.doe.gov)) is recommended. The mailing address is Statistics and Methods Group (EI–70), Forrestal Building, U.S. Department of Energy, Washington, DC 20585–0670. Mrs. Sutherland may be contacted by telephone at (202) 287–1712.

**SUPPLEMENTARY INFORMATION:** This section contains the following information about the energy information collection submitted to OMB for review: (1) The collection numbers and title; (2) the sponsor (*i.e.*, the Department of Energy component); (3) the current OMB docket number (if applicable); (4) the type of request (*i.e.*, new, revision, extension, or

reinstatement); (5) response obligation (*i.e.*, mandatory, voluntary, or required to obtain or retain benefits); (6) a description of the need for and proposed use of the information; (7) a categorical description of the likely respondents; and (8) an estimate of the total annual reporting burden (*i.e.*, the estimated number of likely respondents times the proposed frequency of response per year times the average hours per response).

1. ERA-766R.
2. General Counsel.
3. OMB Number 1903-0073.
4. Three-year approval requested.
5. Mandatory.
6. The ERA-766R is the

recordkeeping requirements contained in 10 CFR 210.1 of DOE's General Allocation and Price Rules. The data are used to help DOE's General Counsel in its efforts to complete the enforcement program with respect to prior petroleum price and allocation regulations. No data are submitted; only maintenance of records is required.

7. Business or other for-profit.
8. 4 hours.

**Statutory Authority:** Section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104-13) (44 U.S.C. 3501 *et seq.*).

Issued in Washington, DC, December 13, 2005.

Jay H. Casselberry,

*Agency Clearance Officer, Energy Information Administration.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8011-8]

### Proposed Consent Decree, Clean Air Act Citizen Suit

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

**ACTION:** Notice of Proposed Consent Decree; request for public comment.

**SUMMARY:** In accordance with section 113(g) of the Clean Air Act, as amended ("Act"), 42 U.S.C. 7413(g), notice is hereby given of a proposed consent decree, to address a lawsuit filed by Environmental Defense: *Environmental Defense v. EPA*, No. C 05-2090 SC (N.D. CA). On June 6, 2005, Environmental Defense filed a complaint alleging that EPA had failed to perform a non-discretionary duty by not granting or denying within 18 months Environmental Defense's Petition asking the Administrator to add diesel engine exhaust to the list of hazardous air

pollutants contained in section 112(b)(3) of the Clean Air Act ("CAA"). Under the terms of the proposed consent decree, by June 12, 2006, EPA shall either deny or propose to grant Environmental Defense's petition to list diesel exhaust as a hazardous air pollutant. If EPA proposes to grant the petition, then by May, 2007, EPA shall either grant or deny the petition.

**DATES:** Written comments on the proposed consent decree must be received by January 20, 2006.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA-HQ-OGC-2005-0473, online at <http://www.regulations.gov> (EPA's preferred method); by e-mail to [oei.docket@epa.gov](mailto:oei.docket@epa.gov); mailed to EPA Docket Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; or by hand delivery or courier to EPA Docket Center, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC, between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays. Comments on a disk or CD-ROM should be formatted in Wordperfect or ASCII file, avoiding the use of special characters and any form of encryption, and may be mailed to the mailing address above.

**FOR FURTHER INFORMATION CONTACT:**

Michael Horowitz, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone: (202) 564-5583; fax number (202) 564-5603; e-mail address: [horowitz.michael@epa.gov](mailto:horowitz.michael@epa.gov).

**SUPPLEMENTARY INFORMATION:**

#### I. Additional Information About the Proposed Consent Decree

This consent decree would establish deadlines by which EPA must either grant or deny Environmental Defense petition to list diesel exhaust as a hazardous air pollutant under section 112 of the CAA. Under the proposed consent decree no later than June 12, 2006, EPA shall sign a notice for publication in the **Federal Register** a proposal to grant or a final determination that denies the petition with written explanation of the reasons for EPA's decision. If the petition is granted, then no later than May 1, 2007, EPA shall sign a final notice for publication in the **Federal Register** either granting or denying the Environmental Defense petition to list diesel engine exhaust as a hazardous air pollutant.

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed consent decree from persons who were not named as parties or interveners to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determine, based on any comment which may be submitted, that consent to the consent decree should be withdrawn, the terms of the decree will be affirmed.

#### II. Additional Information About Commenting on the Proposed Consent Decree

##### A. How Can I Get a Copy of the Consent Decree?

Direct your comments to the official public docket for this action under Docket ID No. EPA-HQ-OGC-0473 which contains a copy of the consent decree. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OEI Docket is (202) 566-1752.

An electronic version of the public docket is available through <http://www.regulations.gov>. You may use the <http://www.regulations.gov> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "advance search," then key in the appropriate docket identification number. It is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing online at <http://www.regulations.gov> without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public