

Truck Rental and Leasing Association,<sup>13</sup> and a hearing was held on January 23, 2006.<sup>14</sup> In addition, EPA received written comments for the Docket of this proceeding from several commenters, including additional submissions from CARB and some of the parties who testified at the public hearing, submissions from the Owner-Operators Independent Drivers Association, the Truckload Carriers Association, the California Trucking Association, the Pacific Merchant Shipping Association, and the Agricultural and Food Transporters Conference of American Trucking Associations, and a supplemental submission from CARB responding to matters raised by some industry parties in their written comments.<sup>15</sup> Accordingly, EPA has made this authorization decision based on the information submitted by CARB in its requests, and the information presented to the Agency at the public hearing and in the comments received after the hearing.

### C. Authorization Decision

EPA received hearing testimony and written comments from industry parties who opposed the CARB request for authorization request on various grounds. After review of the information submitted by CARB and other parties to the record of this Docket, however, EPA finds that those opposing the authorization request have not met the burden of demonstrating that California's regulations do not satisfy the statutory criteria of section 209(e). For this reason, EPA is granting California authorization to enforce its TRU ATCM regulations. A full explanation of EPA's decision, including our review of comments received, is contained in our Decision Document, which may be obtained as

<sup>13</sup> Letter from Glenn P. Kedzie, American Trucking Association to Robert M. Doyle, USEPA, dated January 27, 2005, Docket Entry 2005-0123-0014, and letter from Thomas James, Truck Rental and Leasing Association to Robert M. Doyle, USEPA, dated December 1, 2005, Docket entry OAR-2005-0123-0015.

<sup>14</sup> EPA received testimony from: Michael Terris, Anthony Andreoni and Rod Hill, California Air Resources Board; Robert Digges, American Trucking Association; Corey England, C.R. England Co.; James Lyons, Sierra Research; Thomas James, Truck Rental and Leasing Association, Andrew Stopka, National Lease Company; Thomas Richichi, Beveridge & Diamond Law Firm, on behalf of the American Trucking Association, and John Kaburick, Earl L. Henderson Trucking Company and on behalf of the Truckload Carriers Association. Written statements presented at this hearing and the hearing transcript appear in the Docket as Docket Entries OAR-2005-0123-0013 and OAR-2005-0123-0017 through OAR-2005-0123-0023.

<sup>15</sup> These comments can be found in the Docket as Docket entries OAR-2005-0123-0024 through OAR-2005-0123-0031.

explained above in the "Addresses" section of this Notice.

My decision will affect not only persons in California but also persons outside the State who would need to comply with California's TRU ATCM regulations to enter California with such engines. For this reason, I hereby determine and find that this is a final action of national applicability.

Under section 307(b)(1) of the Act, judicial review of this final action may be sought only in the United States Court of Appeals for the District of Columbia Circuit. Petitions for review must be filed by March 17, 2009. Under section 307(b)(2) of the Act, judicial review of this final action may not be obtained in subsequent enforcement proceedings.

As with past authorization decisions, this action is not a rule as defined by Executive Order 12866. Therefore, it is exempt from review by the Office of Management and Budget as required for rules and regulations by Executive Order 12866.

In addition, this action is not a rule as defined in the Regulatory Flexibility Act, 5 U.S.C. 601(2). Therefore, EPA has not prepared a supporting regulatory flexibility analysis addressing the impact of this action on small business entities.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule, for purposes of 5 U.S.C. 804(3).

Finally, the Administrator has delegated the authority to make determinations regarding authorizations under section 209(e) of the Act to the Assistant Administrator for Air and Radiation.

Dated: January 9, 2009.

**Robert J. Meyers,**

*Principal Deputy Assistant Administrator for Air and Radiation.*

[FR Doc. E9-907 Filed 1-15-09; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-8589-6]

### 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. 20080445, ERP No. D-FTA-K59008-CA, Berkeley/Albany Ferry Terminal Study, Proposing to Implement New Ferry Service between Berkeley/Albany and the San Francisco Ferry Building, Funding, San Francisco Water Transit Authority (WETA), Berkeley/Albany, CA.*

Summary: EPA expressed environmental concerns about biological resource and dredging impacts. Rating EC2.

### Final EISs

*EIS No. 20080438, ERP No. F-FHW-K50014-CA, Doyle Drive Project, South Access to the Golden Gate Bridge, Propose to Improve Seismic, Structural, and Traffic Safety, Presidio of San Francisco, San Francisco County Transportation Authority, Marin and San Francisco Counties, CA.*

Summary: EPA continues to have environmental concerns about traffic and localized air quality impacts due to the scale and duration of construction activities.

*EIS No. 20080476, ERP No. F-COE-G39047-00, White River Minimum Flow Study, To Provide an Improved Minimum Flow for the Benefit of the Tail Water Fishery, White River Basin Lakes: Bull Shoal Lakes on the White River; Norfork Lake on the North Fork White River, AR.*

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

*EIS No. 20080482, ERP No. F-DOE-A09800-00, PROGRAMMATIC—Designation of Energy Corridors in 11 Western States, Preferred Location of Future Oil, Gas, and Hydrogen Pipelines and Electricity Transmission and Distribution Facilities on Federal Land, AZ, CA, CO, ID, MT, NV, NM, UT, WA, and WY.*

Summary: While the final Programmatic EIS provided additional information on the interagency operating procedures (IOPs) and impacts to visual resources areas, EPA continues to have environmental concerns about the potential impacts to wetlands in the designated corridors.

*EIS No. 20080483, ERP No. F-FHW-D40184-MO, MO-34 Improvement,*

from U.S. Routes 60/21 Intersection in Carter County to Routes 34/72 Intersection in Cape Girardeau County, Funding, U.S. Army COE Section 404 Permit, Carter, Bollinger, Reynolds, Wayne, and Cape Girardeau Counties, MO.

Summary: EPA does not object to the proposed action; however, we requested clarification on the number and length of jurisdictional streams.

*EIS No. 20080490, ERP No. F-BPA-L91030-WA*, Lyle Falls Fish Passage Project, To Improve Fish Passage to Habitat in the Upper Part of the Watershed, Located on the Lower Klickitat River, Klickitat County, WA.

Summary: The Final EIS adequately responded to our previous comments; therefore, EPA does not object to the preferred action.

*EIS No. 20080493, ERP No. F-BLM-G65105-NM*, Socorro Resource Management Plan Revision, Implementation, Socorro and Catron Counties, NM.

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

*EIS No. 20080500, ERP No. F-DHS-A10077-00*, National Bio and Agro-Defense Facility, Preferred Alternative is (2) Manhattan Campus Site, Propose to Site, Construct and Operate at one of the Proposed Locations: (1) South Milledge Avenue Site, Clarke County, GA; (2) Manhattan Campus Site, Riley County, KS; (3) Flora Industrial Park Site, Madison County, MS; (4) Plum Island Site, Suffolk County, NY; (5) Umstead Research Park Site, Granville County, NC; and (6) Texas Research Park Site, Bexar and Medina Counties, TX.

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

Dated: January 13, 2009.

**Robert W. Hargrove**,  
Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E9-908 Filed 1-15-09; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-8589-05]

### Environmental Impacts 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 01/05/2009 through 01/09/2009.  
Pursuant to 40 CFR 1506.9.

*EIS No. 20090001*, Final EIS, FHW, IA, Southeast (SE) Connector in Des Moines, Iowa, To Provide a Safe and Efficient Link between the MLK Jr. Parkway at SE 14th Street to the U.S. 65 Bypass, Funding, U.S. Army COE Section 404 and NPDES Permits, Polk County, IA, *Wait Period Ends:* 02/17/2009, *Contact:* Philip Barnes 515-233-7300.

*EIS No. 20090002*, Draft EIS, USN, VA, Norfolk Harbor Channel, Proposed Dredging to Deepen Five Miles of the Federal Navigation Channel in the Elizabeth River from Lamberts Bend to the Norfolk Naval Shipyard (NNS), Norfolk and Portsmouth, VA, *Comment Period Ends:* 03/02/2009, *Contact:* John Conway 904-542-6159.

*EIS No. 20090003*, Final EIS, FHW, NY, Fort Drum Connector Route Project, Proposed Link between I-81 and U.S. Route 11 at the Fort Drum North Gate, Town of Le Ray and Pamela, Jefferson County, NY, *Wait Period Ends:* 02/17/2009, *Contact:* Jeffrey W. Kalb 518-431-4127.

*EIS No. 20090004*, Draft EIS, NPS, MO, Jefferson National Expansion Memorial, General Management Plan, Implementation, St. Louis, MO, *Comment Period Ends:* 03/16/2009, *Contact:* Tom Bradley 314-655-1600.

*EIS No. 20090005*, Draft EIS, BLM, CO, Red Cliff Mine Project, Construct a New Underground Coal Mine on Private and Federal Lands, Federal Coal Lease by Application, Mesa and Garfield County, CO, *Comment Period Ends:* 03/16/2009, *Contact:* Glenn Wallace 303-239-3736.

*EIS No. 20090006*, Final EIS, MMS, 00, Cape Wind Energy Project, Construction, Operation and Maintenance, and Decommissioning of an Electric Generation Facility, Barnstable, Nantucket and Duke Counties, MA and Washington County, RI, *Wait Period Ends:* 02/17/2009, *Contact:* Dr. Rodney E. Cluck 703-787-1087.

Dated: January 13, 2009.

**Robert W. Hargrove**,  
Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E9-902 Filed 1-15-09; 8:45 am]

BILLING CODE 6560-50-P

## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

January 9, 2009.

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501-3520. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

**DATES:** Written Paperwork Reduction Act (PRA) comments should be submitted on or before March 17, 2009. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, (202) 395-5887, or via fax at 202-395-5167 or via internet at [Nicholas.A.Fraser@omb.eop.gov](mailto:Nicholas.A.Fraser@omb.eop.gov) and to [Judith-B.Herman@fcc.gov](mailto:Judith-B.Herman@fcc.gov), Federal Communications Commission, and an e-mail to [PRA@fcc.gov](mailto:PRA@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information, contact Judith B. Herman at 202-418-0214 or via the Internet at [Judith-B.Herman@fcc.gov](mailto:Judith-B.Herman@fcc.gov).

#### SUPPLEMENTARY INFORMATION:

*OMB Control Number:* 3060-0718.  
*Title:* Part 101, Governing the Terrestrial Microwave Fixed Radio Service.