

b. all other Western power and transmission facilities.

4. Ensures that project beneficiaries repay project costs.

### III. Project Funding

*A. Applicability:* All projects selected for funding under this authority will be governed by the principles, policies, and practices outlined in this notice.

*B. Policies and Practices:*

1. Western will use generally accepted accounting principles and practices in recording and tracking all expenses and revenue transactions for each project selected.

2. Western will isolate these financial accounting transactions in its existing financial management system.

3. Western will look for public-private partnerships to maximize the leveraging of funds.

### IV. Project Evaluation

*A. Applicability:* All projects to be considered for funding under this authority will be evaluated against the minimum criteria outlined below.

*B. Criteria:* Project evaluation includes feasibility of developing a project that meets the following minimum criteria:

1. Facilitates the delivery to market of power generated by renewable resources constructed or reasonably expected to be constructed;

2. is in the public interest;

3. will not adversely impact system reliability or operations, or other statutory obligations;

4. establishes the reasonable expectation that the project will generate enough transmission service revenue to repay the principal investment; all operating costs, including overhead; and the accrued interest by the end of the project's service life;

5. has at least one terminus located within Western's service territory;

6. describes the economic developmental benefits of the project, including an estimate of how many and the type, how fast, and where in the country jobs are created;

7. gives priority to projects that satisfy Western's Open Access Transmission Tariff or related requests;

8. addresses the technical merits and feasibility of a project;

9. demonstrates the financial stability and capability of all potential project partners;

10. describes project readiness (e.g., permitting, local, state and/or regional approval); and

11. describes all project partners' participation in a region-wide interconnection-wide planning group or forum.

*C. Policies and Practices:*

1. Western will establish additional criteria to evaluate proposed projects as necessary.

2. Western may, at its discretion, use outside expertise to assist in evaluating proposed projects seeking funding under this authority. Western will use its current acquisition practices to retain any contractors to assist in project evaluation and will use the specific regulations in the FAR to address any organizational conflicts of interest.

3. Western will treat data submitted by project participants related to this authority, including project descriptions, participation and financing arrangements by other parties, as available to the public through the FOIA. However, participants may request confidential treatment of all or part of a submitted document under FOIA's exemption for "Confidential Business Information." Materials so designated and which meet the criteria stipulated in the FOIA will be treated as exempt from FOIA inquiries.

### V. Project Development and Operations and Maintenance

*A. Applicability:* All projects funded under this authority.

*B. Policies and Practices:*

1. For study, facility development, construction and any other related purposes, where applicable, Western will consider projects that are constructed pursuant to its authority under section 402 of the Recovery Act separately from procedures and requirements for arranging for transmission service or interconnection under its OATT, or related interconnection agreements. Western will use the appropriate project management methods to initiate, plan, execute, monitor, control and close all transmission projects approved for funding under this authority.

2. Available transfer capability surplus to Western's need will be made available in a nondiscriminatory manner consistent with FERC open access transmission rules, Federal statute, and Western policies.

3. Western will comply with all other applicable Federal laws, regulations and policies, including the National Environmental Policy Act, the FAR, and other applicable provisions of the Recovery Act.

### VI. Project Rates and Repayment

*A. Applicability:* All projects funded under this authority.

*B. Criteria:* The repayment requirements and applicable transmission rates will be designed so

that proceeds from the project meet the repayment obligation.

*C. Policies and Practices:*

1. Before project development, Western will confirm the reasonable likelihood that the project will generate enough transmission service revenue to meet Western's financial repayment obligations including principal investment, operating costs including overhead, accrued interest, and other appropriate costs.

2. Transmission rates for transmission capacity Western controls will be developed in a public process following the applicable requirements outlined in 10 CFR part 903 and RA6120.2, and set by the Administrator as specified in relevant DOE orders.

### Environmental Compliance

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 the DOE NEPA Implementing Procedures and Guidelines (10 CFR part 1021).

Western has determined that this action is categorically excluded from further NEPA analysis. Future actions under this authority will undergo appropriate NEPA analysis.

Dated: April 21, 2009.

**Timothy J. Meeks,**  
Administrator.

[FR Doc. E9–11299 Filed 5–13–09; 8:45 am]

BILLING CODE 6450–01–P

## ENVIRONMENTAL PROTECTION AGENCY

[EPA–R09–OAR–2008–0728; FRL–8905–2]

### Adequacy Status of Motor Vehicle Emissions Budgets in Submitted Early Progress Plan for Clark County 8-hour Ozone for Transportation Conformity Purposes; Nevada

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

**ACTION:** Notice of Adequacy.

**SUMMARY:** In this notice, EPA is notifying the public that the Agency has found that the motor vehicle emissions budgets for 8-hour ozone in the *8-hour Ozone Early Progress Plan for Clark County, Nevada (June 2008)* ("Clark County Ozone EPP") are adequate for transportation conformity purposes. The Clark County Ozone EPP was submitted to EPA on July 28, 2008 by the Nevada Division of Environmental Protection (NDEP) as a revision to the Nevada State Implementation Plan (SIP). As a result

of our adequacy findings, the Southern Nevada Regional Transportation Commission (RTC) and the U.S. Department of Transportation must use these budgets in future transportation conformity analyses once the finding becomes effective.

**DATES:** This finding is effective May 29, 2009.

**FOR FURTHER INFORMATION CONTACT:**

Karina O'Connor, U.S. EPA, Region IX, Air Division AIR-2, 75 Hawthorne Street, San Francisco, CA 94105-3901; (775) 833-1276 or [occonnor.karina@epa.gov](mailto:occonnor.karina@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document, whenever "we," "us," or "our" is used, we mean EPA.

Today's notice is simply an announcement of a finding that we have already made. EPA Region IX sent a letter to NDEP on May 5, 2009 stating that the motor vehicle emissions budgets in the submitted Clark County Ozone EPP for the year 2008 are adequate. Receipt of the motor vehicle emissions budgets in the Clark County Ozone EPP was announced on EPA's transportation conformity Web site on August 19, 2008. We received no comments in response to the adequacy review posting. The finding is available at EPA's conformity Web site: <http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm>.

The adequate motor vehicle emissions budgets are provided in the following table:

Motor vehicle emissions budgets (Ozone season)		
Budget year	Volatile organic compounds (tons per day)	Nitrogen oxides (tons per day)
2008 .....	64.2	76.1

Transportation conformity is required by Clean Air Act section 176(c). EPA's conformity rule requires that transportation plans, transportation improvement programs, and projects conform to state air quality implementation plans (SIPs) and establishes the criteria and procedures for determining whether or not they do. Conformity to an SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

The criteria by which we determine whether an SIP's motor vehicle emission budgets are adequate for conformity purposes are outlined in 40

CFR 93.118(e)(4) which was promulgated in our August 15, 1997 final rule (62 FR 43780, 43781-43783). We have described our process for determining the adequacy of submitted SIP budgets in our July 1, 2004 preamble starting at 69 FR 40038 and we used the information in these resources in making our adequacy determination. Please note that an adequacy review is separate from EPA's completeness review, and should not be used to prejudice EPA's ultimate approval action for the SIP. Even if we find a budget adequate, the SIP could later be disapproved.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: May 5, 2009.

**Laura Yoshii,**

*Acting Regional Administrator, Region IX.*

[FR Doc. E9-11278 Filed 5-13-09; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2008-0156; FRL-8905-1]

### Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Use of Consumer Research in Developing Improved Labeling for Pesticide Products, EPA ICR No. 2297.01, OMB Control No. 2070-NEW

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

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request for a new collection. This ICR describes the nature of the information collection and its estimated burden and cost.

**DATES:** Additional comments may be submitted on or before June 15, 2009.

**ADDRESSES:** Submit your comments, referencing docket ID number EPA-HQ-OPP-2008-0156, to (1) EPA Online to <http://www.regulations.gov> (our preferred method), or by mail to: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), 1200 Pennsylvania Ave., NW., Washington, DC 20460, and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:**

Cameo Smoot, Field and External Affairs Division, 7506P, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; *telephone number:* (703) 305-5454; *fax number:* (703) 305-5884; e-mail address: [smoot.cameo@epa.gov](mailto:smoot.cameo@epa.gov).

**SUPPLEMENTARY INFORMATION:** EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On April 2, 2008 (73 FR 17971), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received one comment and has addressed the comment received.

EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OPP-2008-0156, which is available for Online viewing at <http://www.regulations.gov>, or in person viewing at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305-5805.

Use EPA's electronic docket and comment system at <http://www.regulations.gov>, to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select "docket search," then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at <http://www.regulations.gov> as EPA receives them and without change, unless the comment contains copyrighted material, Confidential Business Information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to <http://www.regulations.gov>.

**Title:** Use of Consumer Research in Developing Improved Labeling for Pesticide Products.

**ICR Numbers:** EPA ICR No. 2297.01, OMB Control No. 2070-New.

**ICR Status:** This ICR is for a new information collection activity. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**