

1010.1(d) of BPA's Procedures, BPA waives the requirement in section 1010.4(d) that an opposition to an intervention petition must be filed and served 24 hours before the prehearing conference. Any opposition to an intervention petition may instead be made at the prehearing conference. Any party, including BPA, may oppose a petition for intervention. Persons who have been denied party status in any past BPA rate proceeding shall continue to be denied party status unless they establish a significant change of circumstances. All timely applications will be ruled on by the Hearing Officer. Late interventions are strongly disfavored.

B. Developing the Record

The record of this proceeding will comprise, among other things, comments made by participants, transcripts of all hearings, any written materials submitted by the parties, documents developed by BPA staff, and other materials accepted into the record by the Hearing Officer. Written comments by participants will be included in the record if they are received by 5 p.m., PDT, on July 8, 2009. The Hearing Officer will review the record, supplement it if necessary, and will certify the record to the Administrator for decision.

The Administrator will adopt the final TRM modifications based on the entire record, which includes the record certified by the Hearing Officer, as described above. The basis for the final TRM modifications will be expressed in the Administrator's ROD. BPA will serve copies of the Final ROD on all parties. The ROD will also be publicly available at <http://www.bpa.gov/corporate/ratecase>.

BPA must continue to meet with customers in the ordinary course of business during the rate case. To comport with the rate case procedural rule prohibiting *ex parte* communications, BPA will provide the prescribed notice of meetings involving rate case issues in order to permit the opportunity for participation by all rate case parties. These meetings may be held on very short notice. Consequently, parties should be prepared to devote the necessary resources to participate fully in every aspect of the rate proceeding and attend meetings any day during the course of the rate proceeding.

Part IV—Tiered Rate Methodology Proposed Modifications

On January 30, 2009, BPA published the Final TRM Clean Up List pursuant to section 12 of the TRM. The Clean Up List identified nine revisions agreed to

by BPA and preference customer representatives designated by the Public Power Council. Revision 1 provides an amendment to the amount of Pend Oreille Public Utility District's Box Canyon Dam resource specified in TRM Attachment C—Existing Resources for CHWMs.

Revision 2, the CHWM adjustment, provides an amendment to the calculation of the CHWM pursuant to section 4.1 of the TRM. During the Clean-Up review, some of BPA's customers became concerned that the effects of the current economic recession may adversely affect their FY 2010 load, thereby reducing their CHWM. BPA met with public power representatives and jointly developed the proposed modification to the calculation of CHWM. The proposed modification would provide each customer with an option to include provisional amounts in its CHWM if it has experienced qualifying load reductions due to the current economic recession. The provisional CHWM would be made permanent if the load recovers within specified parameters.

Revision 3 proposes clarification to certain language regarding Forecast Monthly/Diurnal Tier 1 Load throughout the TRM. These proposed modifications do not change the intent of the original language, but change certain terms to add clarity.

Revision 4 deletes certain language from TRM section 8.5. This proposed modification does not change the intent of the original language, but removes unnecessary language.

Revision 5 adds a minimum duration for public comment during the Rate Period High Water Mark process. The original language in TRM section 4.2.2 provided for public comment, but did not specify a length of time for such comment.

Revision 6 proposes clarification to certain language in TRM section 1.2 regarding cost allocation. This proposed modification does not change the intent of the original language, but changes certain terms to add clarity.

Revision 7 proposes clarification to certain language in TRM sections 4 and 4.2 regarding Net Requirements. This modification will also add a definition of net requirement consistent with the power sales contract definition. These proposed modifications do not change the intent of the original language, but change certain terms to add clarity.

Revision 8 proposes to add language to TRM section 12.5, an action that is not considered to be a revision to the TRM. This proposed modification does not change the intent of the original language, but includes an inadvertent

oversight of the basis for allocating an interest credit.

BPA's proposed modifications to the TRM are available for viewing and downloading on BPA's Web site at <http://www.bpa.gov/corporate/ratecase>. Copies will also be available for viewing at BPA's Public Information Center, BPA Headquarters Building, 1st Floor, 905 NE. 11th Avenue, Portland, Oregon.

Issued in Portland, Oregon, the 21st of May 2009.

Stephen J. Wright,

Administrator and Chief Executive Officer.

[FR Doc. E9-12489 Filed 5-28-09; 8:45 am]

BILLING CODE 6450-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2004-0500; FRL-8910-4]

Agency Information Collection Activities; Proposed Collection; Comment Request; Information Collection Activities Associated With EPA's ENERGY STAR Program in the Residential Sector; EPA ICR No. 2193.02, OMB Control No. 2060-0586

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a request to renew an existing approved Information Collection Request (ICR) to the Office of Management and Budget (OMB). This ICR is scheduled to expire on November 30, 2009. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before July 28, 2009.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2004-0500, by one of the following methods:

- www.regulations.gov: Follow the on-line instructions for submitting comments.
- E-mail: a-and-r-Docket@epa.gov.
- Fax: (202) 566-9744.
- Mail: U.S. Environmental

Protection Agency, EPA Docket Center, Air and Radiation Docket, Mailcode 28221T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

- *Hand Delivery:* Air and Radiation Docket in the EPA Docket Center (EPA/DC), EPA West Building, Room 3334, 1301 Constitution Ave., NW.,

Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA-HQ-OAR-2004-0500. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at www.regulations.gov, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through www.regulations.gov or e-mail. The www.regulations.gov Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through www.regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

FOR FURTHER INFORMATION CONTACT: Brian Ng, Energy Star Program, Mailcode 6202], Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 343-9162; fax number: (202) 343-2200; e-mail address: ng.brian@epa.gov.

SUPPLEMENTARY INFORMATION:

How Can I Access the Docket and/or Submit Comments?

EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OAR-2004-0500, which is available for online viewing at www.regulations.gov, or in person viewing at the Air and Radiation Docket in the EPA Docket Center (EPA/DC), EPA West Building, Room 3334, 1301

Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202-566-1744, and the telephone number for the Air and Radiation Docket is 202-566-1742.

Use www.regulations.gov to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID number identified in this document.

What Information Is EPA Particularly Interested in?

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

- (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;
- (ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (iii) Enhance the quality, utility, and clarity of the information to be collected; and
- (iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

What Should I Consider When I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible and provide specific examples.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Offer alternative ways to improve the collection activity.

6. Make sure to submit your comments by the deadline identified under **DATES**.

7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

What Information Collection Activity or ICR Does This Apply to?

Affected entities: Entities potentially affected by this action are home builders, home owners, home energy verification organizations, lenders, regional energy efficiency programs, home improvement contractors, and national, regional, state, or local government entities and other organizations that serve the home building or home improvement industries.

Title: Information Collection Activities Associated with EPA's ENERGY STAR Program in the Residential Sector.

ICR Numbers: EPA ICR No. 2193.02, OMB Control No. 2060-0586.

ICR Status: This ICR is currently scheduled to expire on November 30, 2009. 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** when approved, are listed in 40 CFR part 9 and are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: EPA introduced ENERGY STAR in 1992 to label energy efficient computers. Since then, EPA and the Department of Energy (DOE) have expanded the ENERGY STAR Program to promote energy efficiency in products and commercial and residential buildings. Increased energy efficiency through ENERGY STAR provides cost savings to businesses and homeowners, reduces greenhouse gas emissions from power plants, and increases U.S. energy security and reliability.

EPA announced ENERGY STAR for New Homes in 1995 as part of its effort to promote energy efficient construction in the new homes market. EPA rolled

out its existing homes effort in 2000 to promote comprehensive, cost-effective upgrades to the existing homes market. These two efforts promote home envelope improvements such as the proper installation of adequate insulation, sealing of holes and gaps that allow air into the home, and installation of energy efficient windows. In addition to the home envelope, EPA promotes energy efficient heating and cooling equipment, including sealing leaky ducts that distribute conditioned air.

EPA has developed this ICR to obtain authorization to collect information from the public for the activities described below.

ENERGY STAR Partnership: An organization interested in joining ENERGY STAR as a partner is asked to submit a partnership agreement establishing its commitment to promoting ENERGY STAR. Partners agree to undertake efforts such as educating staff and the public about their partnership with ENERGY STAR, developing and implementing a plan to improve energy performance in homes, and highlighting achievements utilizing the ENERGY STAR logos. Partners are encouraged to undertake related activities for added benefit and/or public recognition, such as committing to build 100% ENERGY STAR qualified new homes or offering homebuyers ENERGY STAR's Advanced Lighting Package.

Evaluation: Partners and other program participants are asked to periodically submit information to EPA as needed to assist in evaluating ENERGY STAR's effectiveness in helping organizations promote energy efficiency in homes, to assess partners' level of interest and ability in promoting ENERGY STAR in the residential sector, and to determine the impact that ENERGY STAR has on the supply and demand for energy-efficient homes and home improvement products and services. For example, EPA periodically contacts a subset of partners about their participation in the ENERGY STAR Program to determine how it has impacted their organization and areas for improvement. EPA also provides tools to help educate homeowners about their homes' energy efficiency. For example, a homeowner can input basic information about their home and their utility costs into EPA's Home Energy Yardstick to compare their household's energy use to others and get recommendations for improvement. EPA would like to utilize some of this information to evaluate the tool's usefulness as well as evaluate the impact of energy efficiency

improvements as well as other characteristics of the home on home energy efficiency.

Quarterly Reporting: Partners are asked to submit information each calendar quarter to assist EPA in tracking and measuring progress and program implementation. This includes submitting quarterly updates on partners' level of activity in qualifying new homes for the ENERGY STAR label and activity in improving the energy efficiency of existing homes.

ENERGY STAR Awards: Each year partners are eligible for an ENERGY STAR award, which recognizes organizations demonstrating outstanding support in promoting ENERGY STAR. This award program provides partners with public recognition and market differentiation. There is an application form that is submitted to EPA by partners interested in being eligible for an award.

Outreach Partnership: Partners have the opportunity to participate in an outreach partnership with EPA to develop public education campaigns featuring the benefits of ENERGY STAR qualified homes. Partners interested in participating in the outreach program are asked to submit a form detailing their level of participation.

Finally, organizations are encouraged to participate in other voluntary activities under the program, such as pilot projects designed to help EPA find better ways to encourage energy efficiency in new and existing homes.

Burden Statement: The annual burden for joining ENERGY STAR and conducting related activities is estimated to range from about 1 to 100 hours per respondent. This includes time for preparing and submitting the Partnership Agreement and related information, if requested, and carrying out specified activities under the partnership (e.g., verifying site-built homes to see if they qualify for an ENERGY STAR Label). The annual burden for partner evaluations is estimated to range from 15 minutes to 4 hours per respondent. This includes time for responding to EPA's questions posed during a phone interview or other method. The annual burden for quarterly reporting is estimated to range from about 3.5 to 10 hours per respondent. This includes time for submitting specified information to EPA on a quarterly basis. The annual burden for the annual awards is estimated to range from about 10.5 to 30 hours per respondent. This includes time for preparing and submitting the application materials and, if requested, an annual report. The annual burden for the outreach activities is estimated to

range from about 1 to 40 hours per respondent. This includes time for preparing and submitting the commitment form and performing outreach activities under the partnership (e.g., implementing an outreach campaign).

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The ICR provides a detailed explanation of the Agency's estimate, which is only briefly summarized here:

Estimated total number of potential respondents: 80,000.

Frequency of response: Once, quarterly, annually, on occasion.

Estimated total annual burden hours: 297,997.

Estimated total annual costs: \$18.7 million. This includes an estimated cost of approximately \$18.6 million for labor and \$0.1 million for capital investment, operation and maintenance.

Are There Changes in the Estimates From the Last Approval?

There is an increase of 122,548 hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. This increase results partly from adjustments to EPA's burden estimates of its existing collections (e.g., updates to the number of respondents and activities). The increase also results from some new, voluntary programs that EPA would like to offer industry and homeowners to further promote energy efficiency in new and existing homes. For example, EPA intends to offer a voluntary, online tool for homeowners to compare their home's energy efficiency to other, similar homes. They would enter basic information from their utility bills and their home's size and location to derive comparative information. This would help them take steps to reduce their home's energy usage and costs. Because the tool would be user-friendly and yet beneficial, EPA

estimates that many homeowners would use it (*i.e.*, 75,000 homeowners/yr.).

What Is the Next Step in the Process for this ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: May 21, 2009.

Kathleen Hogan,

Director, Climate Protection Partnerships Division.

[FR Doc. E9-12467 Filed 5-28-09; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-8910-7]

Biennial Determination of the Waste Isolation Pilot Plant's Compliance With Applicable Federal Environmental Laws for the Period 2006 to 2008

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Based on documentation submitted by the U.S. Department of Energy (DOE) for the Waste Isolation Pilot Plant (WIPP), the U.S. Environmental Protection Agency (EPA or "we") determined that between 2006 and 2008, DOE operated the WIPP facility in compliance with applicable Federal statutes, regulations, and permit requirements designated in Section 9(a)(1) of the WIPP Land Withdrawal Act, as amended. The Secretary of Energy was notified of the determination via a letter from EPA Administrator Lisa P. Jackson dated May 22, 2009.

FOR FURTHER INFORMATION CONTACT: Nick Stone; telephone number: (214) 665-7226; address: WIPP Project Officer, Mail Code 6PD-O, U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, TX 75202.

SUPPLEMENTARY INFORMATION:

I. 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-2009-0324; FRL-XXXX-X]. Publicly available docket materials are available either electronically through www.regulations.gov or in hard copy at the Air and Radiation Docket in the EPA Docket Center, (EPA/DC) EPA West, Room 3334, 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 Air and Radiation Docket is (202) 566-1742. As provided in EPA's regulations at 40 CFR Part 2, and in accordance with normal EPA docket procedures, if copies of any docket materials are requested, a reasonable fee may be charged for photocopying.

2. *Electronic Access.* You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr/>.

II. Background

EPA made this determination under the authority of Section 9 of the WIPP Land Withdrawal Act (WIPP LWA). (Pub. L. 102-579 and 104-201.) Section 9(a)(1) of the WIPP LWA requires that, as of the date of the enactment of the WIPP LWA, DOE shall comply with respect to WIPP with (1) regulations for the management and storage of radioactive waste (40 CFR Part 191, Subpart A); (2) the Clean Air Act; (3) the Solid Waste Disposal Act; (4) the Safe Drinking Water Act; (5) the Toxic Substances Control Act; (6) the Comprehensive Environmental Response, Compensation, and Liability Act; and (7) all other applicable Federal laws pertaining to public health and safety or the environment. Section 9(a)(2) of the WIPP LWA requires DOE biennially to submit to EPA documentation of continued compliance with the laws, regulations, and permit requirements set forth in Section 9(a)(1). (DOE must also submit similar documentation of compliance with the Solid Waste Disposal Act to the State of New Mexico.) Section 9(a)(3) requires the Administrator of EPA to determine on a biennial basis, following the submittal of documentation of compliance by the Secretary of DOE, whether the WIPP is in compliance with

the pertinent laws, regulations, and permit requirements, as set forth at Section 9(a)(1).

We determined that for the period 2006 to 2008, the DOE-submitted documentation showed continued compliance with 40 CFR Part 191, subpart A, the Clean Air Act, the Safe Drinking Water Act, the Toxic Substances Control Act, and the Comprehensive Environmental Response, Compensation, and Liability Act. With respect to other applicable Federal laws pertaining to public health and safety or the environment, as required by Section 9(a)(1)(G), DOE's documentation also indicates that DOE was in compliance with the Clean Water Act, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and certain statutes under the jurisdiction of the Department of the Interior.

This determination is not in any way related to, or a part of, our certification and recertification decisions regarding whether the WIPP complies with EPA's disposal regulations for transuranic radioactive waste at 40 CFR Part 191.

Dated: May 22, 2009.

Lisa P. Jackson,

Administrator.

[FR Doc. E9-12555 Filed 5-28-09; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-8593-8]

Environmental Impacts Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564-7167 or <http://www.epa.gov/compliance/nepa/>. Weekly receipt of Environmental Impact Statements filed 05/18/2009 through 05/22/2009, pursuant to 40 CFR 1506.9.

EIS No. 20090168, Final EIS, AFS, CO, Hermosa Landscape Grazing Analysis Project, Proposes to Continue to Authorize Livestock Grazing Cascade Reservoir, Dutch Creek, Elbert Creek, Hope Creek South Fork, and Upper Hermosa Allotments, Columbine Ranger District, San Juan National Forest, La Plata and San Juan Counties, CO, Wait Period Ends: 06/29/2009, Contact: Cam Hooley 970-884-1414.

EIS No. 20090169, Final Supplement, FHW, MO, Interstate 70 Corridor Improvements, Kansas City to St. Louis, Updated Information, Evaluates if a Truck-Only Lane Strategy is Viable, Kansas City to St. Louis, MO, Wait Period Ends: 06/29/