

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](http://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/*

2009, Contact: Peggy Casey 573-636-7104.

*EIS No. 20090170, Draft EIS, FHW, WI, Zoo Interchange Corridor Study, Reconstruction to I-94 from 70th Street to 124 Street and on US 45 from Burleigh Street to I-894/US 45 and Lincoln Avenue in Milwaukee County, WI, Comment Period Ends: 07/13/2009, Contact: Allen Radliff 608-829-7500.*

*EIS No. 20090171, Draft EIS, NOA\SF, WA, PROGRAMMATIC—Lower Duwamish River Natural Resource Damage Assessment (NRDA) Restoration Plan, Implementation, King County, WA, Comment Period Ends: 07/28/2009, Contact: Patricia Montanio 301-713-2325.*

Department of the Commerce's/NOA and the Department of Interior's/SFW are Joint Lead Agencies on this project.

*EIS No. 20090172, Final EIS, NOA, CA, Southwest Fisheries Science Center Replacement, Construction and Operation, located on University of California, La Jolla, CA, Wait Period Ends: 06/29/2009, Contact: William F. Broglie 301-713-0836.*

*EIS No. 20090173, Draft EIS, UCG, 00, Goethals Bridge Replacement Project, Construction of Bridge across the Arthur Kill between Staten Island New York and Elizabeth, New Jersey, Funding and USCG Bridge Permit, NY and NJ, Comment Period Ends: 07/13/2009, Contact: Shelly Sugarman 202-372-1521.*

*EIS No. 20090174, Final EIS, FHW, CA, Schuyler Heim Bridge Replacement and SR-47 Expressway Improvement Project, New Information related to Health Risk Associated with Air Toxics, Funding, US Coast Guard Bridge Permit, US Army COE Section 10 and 404 Permits, Ports of Long Beach and Los Angeles, Los Angeles County, CA, Wait Period Ends: 06/29/2009, Contact: Cesar Perez 916-498-5065.*

Dated: June 26, 2009.

**Ken Mittelholtz,**

*Environmental Protection Specialist, Office of Federal Activities.*

[FR Doc. E9-12550 Filed 5-28-09; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-8593-9]

### 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 17, 2009 (74 FR 17860).

#### Draft EISs

*EIS No. 20090065, ERP No. D-COE-E39077-NC, Western Wake Regional Wastewater Management Facilities, Proposed Construction of Regional Wastewater Pumping, Conveyance, Treatment, and Discharge Facilities to Serve the Towns of Apex, Cary, Holly Springs and Morrisville, Research Triangle Park, Wake County, NC.*

*Summary:* EPA expressed environmental concerns about the lack of water quality modeling for a potential Harris Lake discharge and the need for a more detailed wetlands delineation concerning the transmission corridor. Rating EC2.

*EIS No. 20090092, ERP No. D-FHW-H40195-MO, East Columbia Transportation Project, To Improve the Transportation Network in Eastern Columbia/Boone County by: (1) Extending Route 740 from its Terminus at US-63, along a new Alignment, to I-70 at the existing St. Charles road interchange, (2) Improving existing Broadway (Route WW) to Olivet Road and (3) Extending Ballenger Lane, from Future Route 740 to Clark Lane, City of Columbia, Boone County, MO.*

*Summary:* EPA does not object to the proposed project. Rating LO.

*EIS No. 20090094, ERP No. D-UAF-K11124-HI, Fort Kamehameha Historic District Buildings and Structures, Proposes to Dispose of their Obligation of Continuing Management and Maintenance, Hickam Air Force Base (AFB), HI.*

*Summary:* EPA does not object to the proposed project. Rating LO.

*EIS No. 20090085, ERP No. DR-FHW-K40264-CA, Partially Revised Tier 1—Placer Parkway Corridor Preservation Project, Select and Preserve a Corridor for the Future Construction from CA-70/99 to CA 65, Placer and Sutter Counties, CA.*

*Summary:* EPA continues to have environmental concerns about impacts to aquatic and biological resources. Rating EC2.

*EIS No. 20080405, ERP No. DS-COE-G34043-LA, Inner Harbor Navigation Canal (IHNC) Lock Replacement Project, Proposal for Relieving Navigation Traffic Congestion Associated with*

IHNC Lock, Located between the St. Claude Avenue and North Claiborne Avenue Bridge, Orleans, LA.

*Summary:* EPA expressed environmental concerns about the proposed project and requested additional information with regard to mitigation of potential adverse impacts. Rating EC2.

*EIS No. 20090067, ERP No. DS-FHW-G40184-TX, Trinity Parkway Project, New and Additional Information, Construction of a Six-Lane Controlled Access Toll Facility from IH-35 E/TX-183 to US-175/TX-310, US Army COE Section 10 and 404 Permits, Dallas County, TX.*

*Summary:* EPA expressed environmental concerns about impacts to wetlands, water quality, and wildlife habitat, and requested additional information and impact analysis. Rating EC2.

#### Final EISs

*EIS No. 20080392, ERP No. F-BLM-K67057-NV, Cortez Hills Expansion Project, Proposes to Construct and Operate a New Facilities and Expansion of the Existing Open-Pit Gold Mining and Processing Operations, Crescent Valley, Lander and Eureka Counties, NV.*

*Summary:* EPA expressed environmental concerns about the potential loss of up to 4.2 acres of wetland/riparian habitat from filling for project facilities and from groundwater drawdown.

*EIS No. 20090090, ERP No. F-FHW-F40440-00, Blue Water Bridge Plaza Study and Improve to the I-94/T-69 Corridor, To Provide Safe, Efficient and Secure Movement of People and Goods across the Canadian-US Border, Port Huron Area, St. Clair County, MI.*

*Summary:* EPA's previous issues have been resolved; therefore, EPA does not object to the proposed action.

*EIS No. 20090111, ERP No. F-COE-K39112-CA, Middle Harbor Redevelopment Project, Proposal to Increase Container Terminal Efficiency to Accommodate a Portion of the Predicted Future Containerized Cargo, Section 10 and 404 Permits, Port of Long Beach, Los Angeles County, CA.*

*Summary:* EPA recommended that the Record of Decision include additional information to demonstrate that the proposed action would represent the least environmentally damaging practicable alternative under the Clean Water Act Section 404(b)(1) Guidelines.

*EIS No. 20090114, ERP No. FB-COE-K32046-CA, Port of Los Angeles Channel Deepening Project, To Dispose of Approximately 3.0 Million Cubic Yards of Dredge Material Required to*