

participants' issues, which will become part of the formal record of the Commission proceeding on the project.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E8-10456 Filed 5-9-08; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. PR08-5-002]

#### Consumers Energy Company; Notice of Refund Report

May 5, 2008.

Take notice that on April 29, 2008, Consumers Energy Company (CECo) filed a refund report in the above-docketed proceeding. CECo states that it did not place the rates proposed in its November 20, 2007 filing into effect and has not collected any amounts in excess of the Settlement rates.

Any person desiring to participate in this rate proceeding must file a motion to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to

receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

*Comment Date:* 5 p.m. Eastern Time May 19, 2008.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E8-10455 Filed 5-9-08; 8:45 am]

BILLING CODE 6717-01-P

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OEI-2008-0225; FRL-8564-5]

### Agency Information Collection Activities; Proposed Collection; Comment Request; Tribal Capacity; Determining the Capability to Participate in the National Environmental Information Exchange Network; EPA ICR No. 2299.01, OMB Control No. 2025—New

**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 for a new Information Collection Request (ICR) to the Office of Management and Budget (OMB). 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 date July 11, 2008.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OEI-2008-0225, by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.

- *E-mail:* [forrest.terry@epa.gov](mailto:forrest.terry@epa.gov).

- *Fax:* (202) 566-1624.

- *Mail:* Tribal Capacity: Determining the capability to participate in the National Environmental Information Exchange Network Program, Environmental Protection Agency, MC 2823T, 1200 Pennsylvania Ave., NW., Washington, DC 20460; Hand Delivery: EPA Docket Center, EPA West Bldg, Room 3334, 1301 Constitution Ave., NW., Washington, DC 20460. 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-OEI-2008-0225. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://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](http://www.regulations.gov) or e-mail. The <http://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 <http://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:** Tribal Capacity: Determining the Capability To Participate in the National Environmental Information Exchange Network Program or William Terry Forrest of OEI/OIC/IESD/IEPB at MC 2823-T, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 202-566-0196; fax number: 202-566-1624; e-mail address: [forrest.terry@epa.gov](mailto:forrest.terry@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-OEI-2008-0225 Docket in the EPA Docket Center (EPA/DC), EPA West, 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 Tribal Capacity: Determining the Capability To Participate in the National Environmental Information Exchange Network Program Docket is 202-566-0196.

Use <http://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?

*Docket ID No. EPA-HQ-OEI-2008-0225*

*Affected entities:* Entities potentially affected by this action are Federally recognized Indian Tribes.

*Title:* Tribal Capacity: Determining the Capability To Participate in the National Environmental Information Exchange Network Program.

*ICR numbers:* EPA ICR No. 2299.01. OMB Control No. 2025—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** when approved, are listed in 40 CFR part 9, 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:* The Environmental Information Exchange Network (Exchange Network) is an Internet-based approach for exchanging environmental data among partners (e.g., EPA, states, tribes and territories). Built on the principles of applying data standards; providing secure, real-time access; and electronically collecting and storing accurate information, the Exchange Network enables participants to control and manage their own data while making it available to partners via requests over a secure Internet connection. By facilitating the efficient exchange of environmental information among interested parties at all levels of government, the Exchange Network has begun to transform the way information is shared.

While some Indian Tribes have been active partners in the Exchange Network, overall tribal participation is limited. EPA has issued grants that fund infrastructure and other support needed to share data on the network to just over 50 tribes or less than 10 percent of the more than 500 federally recognized tribes. Of these, eight have exchanged data over the network and another five are developing the infrastructure required to do so.

To expand tribal participation in the Exchange Network, EPA has been working with the National Congress of American Indians (NCAI) under a series of cooperative agreements. NCAI is planning to conduct a baseline assessment survey to obtain data to help identify barriers and other factors that are limiting tribal participation in the Network. The survey will focus on gathering information related to collection and dissemination of environmental data; information technology infrastructure, capacity, and needs; and awareness of the Exchange Network. The survey will be distributed to all federally recognized tribes that are members of NCAI. Response to the survey is voluntary. NCAI will use the findings of this survey to design programs to broaden tribal participation.

*Burden Statement:* The annual public reporting and recordkeeping burden for this collection of information is estimated to average 30 minutes per response.

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

*Estimated total number of potential respondents:* 250.

*Frequency of response:* Once.

*Estimated total average number of responses for each respondent:* One.

*Estimated total annual burden hours:* 125 hours.

*Estimated total annual costs:* \$ -0-. This includes an estimated burden cost of \$-0- and an estimated cost of \$-0- for capital investment or maintenance and operational costs.

#### 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: April 25, 2008.

**Doreen Sterling,**

*Director, Office of Information Collection, Information Exchange & Services Division.*

[FR Doc. E8-10505 Filed 5-9-08; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-OECA-2007-0063; FRL-8564-4]

**Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; NESHAP for Primary Copper Smelters (Renewal), EPA ICR Number 1850.05, OMB Control Number 2060-0476**

**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 to renew an existing approved collection. The ICR which is abstracted below describes the nature of the collection and the estimated burden and cost.

**DATES:** Additional comments may be submitted on or before June 11, 2008.

**ADDRESSES:** Submit your comments, referencing docket ID number EPA-HQ-OECA-2007-0063, to (1) EPA online using <http://www.regulations.gov> (our preferred method), or by e-mail to [docket.oeca@epa.gov](mailto:docket.oeca@epa.gov), or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, mail code 2201T, 1200 Pennsylvania Avenue, 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:** Learia Williams, Compliance Assessment and Media Programs Division, Office of Compliance, Mail Code 2223A, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 564-4113; fax number: (202) 564-0050; e-mail address: [williams.learia@epa.gov](mailto:williams.learia@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 March 9, 2007 (72 FR 10735), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under docket ID number EPA-HQ-OECA-2007-0063, which is available for public viewing online at <http://www.regulations.gov>, in person viewing at the Enforcement and Compliance Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, 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 Reading Room is (202) 566-1744, and the telephone number for the Enforcement and Compliance Docket is (202) 566-1927.

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 either 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:** NESHAP for Primary Copper Smelters (Renewal).

**ICR Numbers:** EPA ICR Number 1850.05, OMB Control Number 2060-0476.

**ICR Status:** The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Primary Copper Smelters were proposed on April 20, 1998 (63 FR 19582), and June 26, 2000 (65 FR 39326) respectively. These standards apply to any existing, reconstructed, or new primary copper smelters. The affected sources are each copper concentrate dryer, each smelting furnace, slag cleaning vessel, each copper converter department, and the entire group of fugitive emission sources.

**Abstract:** Affected owners and operators are required to meet specific monitoring, recordkeeping, and reporting requirements in order to demonstrate initial and continuous compliance with the rule. A primary copper smelter is only subject to the regulation if it is a major source of hazardous air pollutant (HAP) emitting or has the potential to emit any single HAP at the rate of 10 tons or more per year or any combination of HAP at the rate of 25 tons or more per year.

Owners and operators must submit notification reports upon the construction, reconstruction, or modification of any primary copper smelter. Also, required is a one-time-only initial notification for new and reconstructed sources. The respondents are required to submit an annual performance test for each control device, and a semiannual summary report to EPA. Respondents subject to the final rule are required to prepare and maintain on site two site-specific operating plans: (1) A startup, shutdown, malfunction plan, and (2) a fugitive dust control plan. Owners or operators of primary copper smelters facilities subject to the rule must maintain a file of these measurements, and retain the file for at least five years following the date of such measurements, maintenance reports, and records.

Notifications are to inform the Agency or delegated authority when a source becomes subject to the standard. The reviewing authority may then inspect the source to check if the pollution control devices are properly installed and operating and the standards are being met. Performance test reports are required as these are the Agency's records of a source's initial capability to comply with the emission standards and to serve as a record of the operating conditions under which compliance is to be achieved. The information generated by monitoring, recordkeeping and reporting requirements described in this ICR is used by the Agency to ensure that facilities affected by the standard continue to operate the control equipment and achieve continuous compliance with the regulation.

All reports are sent to the delegated state or local authority. In the event that there is no such delegated authority, the reports are sent directly to the EPA regional office. This information is being collected to assure compliance with 40 CFR part 63, subpart QQQ, as authorized in sections 112 and 114(a) of the Clean Air Act. The required information consists of emissions data and other information that have been determined to be private.