CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC, Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket No.	File date	Presenter or requester
Prohibited:		
1. CP08–15–000	1–29–09	Clearville Landowner Group.[1]
2. CP08–15–000	1–29–09	Sandra K. McDaniel.[2]
3. CP08–15–000	1–29–09	Paul and Helen Stup.[3]
Exempt:		
1. P–1971–079	1–29–09	Jeffery L. Foss.

[1] E-mail submittal from Michael and Christine Bernard, *et al.*
[2] E-mail submittal.
[3] E-mail submittal.

Kimberly D. Bose,
Secretary.
[FR Doc. E9–2961 Filed 2–11–09; 8:45 am]
BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD09–4–000]

Integrating Renewable Resources Into the Wholesale Electric Grid; Notice of Technical Conference

February 5, 2009.

Take notice that the Federal Energy Regulatory Commission will hold a technical conference on March 2, 2009, from 9 a.m. to 5 p.m. (EST) in the Commission Meeting Room at the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. The conference will be open for the public to attend and advance registration is not required. Members of the Commission will attend and participate in the conference.

The purpose of this conference is to seek information on the challenges posed by integration of large amounts of variable renewable generation into wholesale markets and grids as well as on innovative solutions to these challenges. The Commission previously dealt with the technical differences of wind power from other forms of generation in 2005, when the Commission issued Order No. 661.[1]

The Commission anticipates significant additions of wind generation as well as generation from other variable renewable sources. This growth in variable renewable generation could create new challenges for grid and market operators with regard to costs and reliability. The agenda for this conference will be published at a later time.

Those wishing to participate as a panelist should submit a request form located at *https://www.ferc.gov/whats-new/registration/weg-03-02-09-speaker-form.asp* by the close of business on Friday, February 13, 2009.

A free webcast of this event is available through *http://www.ferc.gov*. Anyone with Internet access who desires to view this event can do so by navigating to the Calendar of Events at *http://www.ferc.gov* and locating this event in the Calendar. The event will contain a link to its webcast. The Capitol Connection provides technical support for the free webcasts. It also offers access to this event via television in the Washington, DC area and via phone-bridge for a fee. If you have any questions, visit *http://www.CapitolConnection.org* or contact Danelle Perkowski or David Reininger at (703) 993–3100.

Transcripts of the conference will be available immediately for a fee from Ace Reporting Company (202–347–3700 or 1–800–336–6646). They will be available for free on the Commission's eLibrary system and on the Calendar of Events approximately one week after the conference.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an e-mail to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or (202) 208–1659 (TTY), or send a FAX to 202–208–2106 with the required accommodations.

For more information about this conference, please contact: Sarah McKinley at *sarah.mckinley@ferc.gov*, (202) 502–8368.

Kimberly D. Bose,
Secretary.
[FR Doc. E9–2965 Filed 2–11–09; 8:45 am]
BILLING CODE 6717–01–P

[1] *Interconnection for Wind Energy*, Order No. 661, FERC Stats. & Regs. ¶ 31,186, *order on reh'g*, Order No. 661–A, FERC Stats. & Regs. ¶ 31,198 (2005).

ENVIRONMENTAL PROTECTION AGENCY

[AMS–FRL–8772–7]

California State Motor Vehicle Pollution Control Standards; Greenhouse Gas Regulations; Reconsideration of Previous Denial of a Waiver of Preemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice for public hearing and comment.

SUMMARY: The Clean Air Act preempts States from adopting emission standards for new motor vehicles and motor vehicle engines but requires EPA to waive this preemption for California unless EPA makes certain findings. Acting at the direction of the California legislature, the California Air Resources Board (CARB) adopted greenhouse gas emission regulations for passenger cars, light-duty trucks and medium-duty passenger vehicles beginning with the 2009 model year. By letter dated December 21, 2005, CARB submitted a request that EPA grant a waiver for these regulations. EPA denied this request on March 6, 2008. EPA believes that there are significant issues regarding the

Agency's denial of the waiver. The denial was a substantial departure from EPA's longstanding interpretation of the Clean Air Act's waiver provisions and the history of granting waivers to California for its new motor vehicle emission program. Many different parties—including California, States that have adopted or are interested in adopting California's standards, members of Congress, scientists, and other stakeholders—have expressed similar concerns about the denial of the waiver. EPA believes there is merit to reconsidering its decision denying California's waiver. Therefore, this **Federal Register** notice initiates such reconsideration, and announces a public hearing concerning California's request and a re-opening of the written comment period.

DATES: A public hearing concerning this reconsideration will be held on March 5, 2009, beginning at 9:30 a.m. Any party planning to present oral testimony should notify EPA by March 2, 2009, expressing its interest. Any party may submit written comments by April 6, 2009.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2006–0173, by one of the following methods:

- *http://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 West (Air Docket), 1200 Pennsylvania Ave., NW., Room B108, Mail Code 6102T, Washington, DC 20460, Attention Docket ID No. EPA–HQ–OAR–2006–0173. Please include a total of two copies.
- *Hand Delivery:* EPA Docket Center, EPA/DC, EPA West, Room B102, 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–2006–0173.

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 *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. Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy.

Persons with comments containing proprietary information must distinguish such information from other comments to the greatest possible extent and label it as ''Confidential Business Information'' (CBI). If a person making comments wants EPA to base its decision in part on a submission labeled CBI, then a non-confidential version of the document that summarizes the key data or information should be submitted for the public docket. To ensure that proprietary information is not inadvertently placed in the docket, submissions containing such information should be sent directly to the contact person listed below and not to the public docket. Information covered by a claim of confidentiality will be disclosed by EPA only to the extent allowed and by the procedures set forth in 40 CFR Part 2. If no claim of confidentiality accompanies the submission when EPA receives it, EPA will make it available to the public without further notice to the person making comments.

Parties wishing to present oral testimony at the public hearing should provide notice to the contact person listed below. EPA will hold the public hearing at the EPA Potomac Yard Conference Center, 2777 Crystal Drive, Room S–1204, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: David Dickinson, Compliance and Innovative Strategies Division (6405J), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460. Telephone: (202) 343–9256, Fax: (202) 343–2804, e-mail address: *Dickinson.David@EPA.GOV.*

SUPPLEMENTARY INFORMATION: Section 209(a) of the Clean Air Act, as amended (''Act''), 42 U.S.C. 7543(a), generally preempts State standards relating to the control of emissions from new motor vehicles and new motor vehicle engines. As an exception to this general preemption, section 209(b) of the Act requires the Administrator of EPA to waive application of the section 209(a) preemption to California provided certain criteria, as noted below, are met. Other States may adopt California's standards if they meet certain statutory criteria in doing so. 42 U.S.C. 7507.

Section 209(b) of the Act requires the Administrator, after notice and opportunity for public hearing, to grant a waiver to California if the State determines that the state standards ''will be, in the aggregate, at least as protective of public health and welfare as applicable Federal standards.'' 42 U.S.C. 7543(b)(1). The Administrator must grant a waiver unless she finds that (1) California's determination regarding the protectiveness of its standards is arbitrary and capricious, (2) California does not need the state standards to meet ''compelling and extraordinary conditions,'' or (3) California's standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act. 42 U.S.C. 7543(b)(A)–(C).

The March 6, 2008 waiver denial (73 FR 12156) significantly departed from EPA's longstanding interpretation of the Clean Air Act's waiver provisions and from the Agency's history, after appropriate review, of granting waivers to California for its new motor vehicle emission program. Moreover, since the denial was issued, California, States interested in implementing CA's standards, members of Congress, scientists, and other stakeholders have identified a number of concerns regarding EPA's decision. Most recently, on January 21, 2009, EPA received a letter from CARB outlining several significant issues for the Administrator to review in reconsidering the March 6, 2008 waiver denial. Based on all of the above, EPA believes it is important to fully review and reconsider the decision

denying a waiver for California's standards.

Included in CARB's letter is a request that EPA return to its traditional review of California's standards under section 209(b)(1)(B) by considering whether California continues to need its own motor vehicle emission program, rather than evaluating greenhouse gas standards separately. As part of this review, CARB suggests that EPA should base its decision on whether California continues to need to have its own motor vehicle program to address various factors in California, such as climate, large human and vehicle population, topography and meteorology, and should not apply this test separately to the greenhouse gas emission standards. In addition, CARB requests that EPA reconsider (and reject) the alternative grounds for the denial, namely, EPA's determination that the impacts from climate change in California were not sufficiently different from the nation as a whole. In addition to arguing that this is not an appropriate interpretation of section 209(b)(1), CARB states that EPA improperly weighed the evidence of impacts in California (including evidence that greenhouse gas standard will help reduce smog-related emissions) and that the record supports granting the waiver even under EPA's new interpretation of section 209(b)(1).

Prior to the March 6, 2008 denial, the Agency provided notice and an opportunity to comment on whether (a) California's determination that its motor vehicle emission standards are, in the aggregate, at least as protective of public health and welfare as applicable Federal standards is arbitrary and capricious, (b) California needs such standards to meet compelling and extraordinary conditions, and (c) California's standards and accompanying enforcement procedures are consistent with section 202(a) of the Clean Air Act. We now seek any new or additional information or comments regarding these criteria. We also seek comment on: (1) whether EPA's interpretation and application of section 209(b)(1) in EPA's March 6, 2008 waiver denial was appropriate, and (2) the effect of the March 6, 2008 denial on whether California's GHG standards are consistent with section 202(a) of the Act, including lead time.

Dated: February 6, 2009.

Lisa P. Jackson,

Administrator.

[FR Doc. E9–2913 Filed 2–11–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8772–4; EPA–HQ–OW–2008–0055]

Final National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges Incidental to the Normal Operation of a Vessel for Alaska and Hawaii

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final Vessel General Permit issuance for Alaska and Hawaii.

SUMMARY: EPA previously announced the finalization of the NPDES general permit for discharges incidental to the normal operation of vessels, also referred to as the Vessel General Permit (VGP), in the **Federal Register** on December 29, 2008 (73 FR 79493). EPA did not finalize the VGP for the states of Hawaii and Alaska, because as of permit signature, EPA had not received a certification pursuant to section 401 of the Clean Water Act (CWA) from Hawaii or a final response on the national consistency determination required by section 307(c)(1) of the Coastal Zone Management Act (CZMA) from Alaska. EPA has since received the required section 401 certification and CZMA response and has amended the permit to reflect them. Today's action provides notice of the final permit issuance for the states of Hawaii and Alaska.

The VGP was issued in response to a District Court ruling that vacates, as of February 6, 2009, a long-standing EPA regulation that excludes discharges incidental to the normal operation of a vessel from the need to obtain an NPDES permit. As of February 6, 2009, discharges incidental to the normal operation of a vessel that had formerly been exempted from NPDES permitting by the regulation will be subject to the prohibition in CWA section 301(a) against the discharge of pollutants without a permit.

EPA solicited information and data on discharges incidental to normal vessel operations to assist in developing two NPDES general permits in a **Federal Register** Notice published June 21, 2007 (72 FR 32421). The majority of information and data in response to that notice came from seven different groups: individual citizens, commercial fishing representatives, commercial shipping groups, environmental or outdoor recreation groups, the oil and gas industry, recreational boating-related businesses, and state governments. EPA considered all the information and data received along with other publicly available information in developing two proposed vessel permits.

EPA published the two proposed permits and accompanying fact sheets for public comment on June 17, 2008 (73 FR 34296). As proposed, the VGP would have covered all commercial and non-recreational vessels and those recreational vessels longer or equal to 79 feet, and the proposed Recreational General Permit (RGP) would have covered recreational vessels less than 79 feet in length. However, after the permits were proposed, Congress enacted two new laws that impact the universe of vessels covered under today's permit. On July 29, 2008, Senate bill S. 2766 (''the Clean Boating Act of 2008'') was signed into law (Pub. L. 110–288). This law provides that recreational vessels shall not be subject to the requirement to obtain an NPDES permit to authorize discharges incidental to their normal operation. As a result of this legislation, EPA is not finalizing the proposed RGP and has also modified the VGP, which included those recreational vessels over 79 feet, to eliminate that coverage. On July 31, 2008, Senate bill S. 3298 was signed into law (Pub. L. 110–299). This law generally imposes a two-year moratorium during which time neither EPA nor states can require NPDES permits for discharges (except ballast water discharges) incidental to the normal operation of vessels of less than 79 feet and commercial fishing vessels of any length. EPA is not taking final action on the proposed permit as it would apply to these vessels and has revised the final VGP to reflect the new law.

DATES: Today's action is effective on February 6, 2009. This effective date is necessary to provide affected vessels the necessary permit coverage under the Clean Water Act in light of the February 6, 2009 vacatur of the 40 CFR 122.3(a) NPDES permitting exemption.[1] Under the Agency's authority in 40 CFR Part 23, this permit (as applied to Alaska and Hawaii) shall be considered issued for the purpose of judicial review on February 6, 2009.[2] Under section 509(b)

[1] The U.S. District Court for the Northern District of California has twice, at the request of parties to the litigation, delayed the date of vacatur of the 40 CFR 122.3(a) exclusion for discharges incidental to the normal operation of a vessel. See *Northwest Environmental Advocates et al.* v. *United States EPA,* 2008 U.S. Dist. LEXIS 66738 (N.D. Cal. August 31, 2008) (extending the date to December 19, 2008) and *Northwest Environmental Advocates et al.* v. *United States EPA,* No. C 03–05760–SI (December 17, 2008) (extending the date to February 6, 2009).

[2] Under 40 CFR 23.2, actions such as today's would by default be considered issued for purposes of judicial review two weeks after publication in the **Federal Register**. However, in other contexts,