

general permit on small entities in a manner that would meet the requirements of the RFA if it applied.” *Id.*

Subsequent to EPA’s conclusion in 1998 that general permits are adjudications, rather than rules, as noted above, the DC Circuit recently held that Nationwide general permits under section 404 are “rules” rather than “adjudications.” Thus, this legal question remains “a difficult one” (*supra*). However, EPA continues to believe that there is a strong public policy interest in EPA applying the RFA’s framework and requirements to the Agency’s evaluation and consideration of the nature and extent of any economic impacts that a CWA general permit could have on small entities (*e.g.*, small businesses). In this regard, EPA believes that the Agency’s evaluation of the potential economic impact that a general permit would have on small entities, consistent with the RFA framework discussed below, is relevant to, and an essential component of, the Agency’s assessment of whether a CWA general permit would place requirements on dischargers that are appropriate and reasonable. Furthermore, EPA believes that the RFA’s framework and requirements provide the Agency with the best approach for the Agency’s evaluation of the economic impact of general permits on small entities. While using the RFA framework to inform its assessment of whether permit requirements are appropriate and reasonable, EPA will also continue to ensure that all permits satisfy the requirements of the Clean Water Act.

Accordingly, EPA hereby commits that the Agency will operate in accordance with the RFA’s framework and requirements during the Agency’s issuance of CWA general permits (in other words, the Agency commits that it will apply the RFA in its issuance of general permits as if those permits do qualify as “rules” that are subject to the RFA). In satisfaction of this commitment, during the course of this MSGP permitting proceeding, the Agency conducted the analysis and made the appropriate determinations that are called for by the RFA. In addition, and in satisfaction of the Agency’s commitment, EPA will apply the RFA’s framework and requirements in any future MSGP proceeding as well as in the Agency’s issuance of other NPDES general permits. EPA anticipates that for most general permits the Agency will be able to conclude that there is not a significant economic impact on a substantial number of small entities. In such cases, the requirements of the RFA

framework are fulfilled by including a statement to this effect in the permit fact sheet, along with a statement providing the factual basis for the conclusion. A quantitative analysis of impacts would only be required for permits that may affect a substantial number of small entities, consistent with EPA guidance regarding RFA certification.<sup>1</sup>

#### IV. Quantitative Analysis of Economic Impacts of the MSGP

EPA has determined, in consideration of the discussion in Section IV above, that the issuance of the MSGP potentially could affect a substantial number of small entities. Therefore, to determine what, if any, economic impact this permit may have on small businesses, EPA conducted an economic assessment of this general permit. Based on this assessment, EPA concludes that this permit will not have a significant economic impact on a substantial number of businesses, including small businesses. The estimated increased compliance cost per permittee ranges from a low of \$8.37 per year to a high of \$28.27 per year. All cost estimates are presented in 2005 dollars. As a percentage of annual sales, the expected incremental burden of these estimated costs is small. The cost-to-sales ratios are small across all MSGP sectors, with the largest impacts observed in Sectors I (0.003 percent) and P (0.003 percent).

These cost estimates reflect the incremental monitoring, documentation and reporting costs imposed by this permit, relative to the comparable costs for compliance with MSGP 2000. They do not include the costs of additional control measures that may be required as a result of more rigorous documentation and reporting requirements (*e.g.*, for corrective action). EPA recognizes that these costs may be significant for some facilities, but believes that relatively few facilities will have significantly increased costs relative to MSGP 2000 because in most cases the underlying standards of control have not changed. EPA was unable to quantify these costs because EPA is not able to predict what site-specific additional control measures may be necessary in these limited cases.

<sup>1</sup> EPA’s current guidance, entitled Final Guidance for EPA Rulewriters: Regulatory Flexibility Act as Amended by the Small Business Regulatory Enforcement and Fairness Act, was issued in November 2006 and is available on EPA’s Web site: <http://www.epa.gov/sbrefa/documents/rfafinalguidance06.pdf>. After considering the Guidance and the purpose of CWA general permits, EPA concludes that general permits affecting less than 100 small entities do not have a significant economic impact on a substantial number of small entities.

Based on EPA’s analysis, the Agency concludes that this permit will not result in a significant economic impact on a substantial number of small businesses. The factual basis for this conclusion is included in the economic analysis for the permit, available as part of the docket for this permit, and summarized above.

**Authority:** Clean Water Act, 33 U.S.C. 1251 *et seq.*

Dated: January 29, 2009.

**Michael A. Bussell,**

*Director, Office of Water and Watersheds,  
EPA Region 10.*

[FR Doc. E9–4152 Filed 2–25–09; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2007–1196; FRL–8772–3]

### Recent Postings of Broadly Applicable Alternative Test Methods

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

**ACTION:** Notice of availability.

**SUMMARY:** This notice announces the broadly applicable alternative test method approval decisions the EPA has made under and in support of New Source Performance Standards (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAP) in 2008.

**FOR FURTHER INFORMATION CONTACT:** An electronic copy of each alternative test method approval document is available on EPA’s Web site at <http://www.epa.gov/ttn/emc/approalt.html>. For questions about this notice, contact Jason M. DeWees, Air Quality Assessment Division, Office of Air Quality Planning and Standards (E143–02), Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number: 919–541–9724; fax number: 919–541–0516; e-mail address: [deweese.jason@epa.gov](mailto:deweese.jason@epa.gov). For technical questions about individual alternative test method decisions, refer to the contact person identified in the individual approval documents.

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### A. Does This Notice Apply to Me?

This notice will be of interest to entities regulated under 40 CFR parts 60, 61, and 63, and State, local, Tribal agencies, and EPA Regional Offices responsible for implementation and enforcement of regulations under 40 CFR parts 60, 61, and 63.

*B. How Can I Get Copies of This Information?*

You may access copies of the broadly applicable alternative test method approval documents from the EPA's Web site at <http://www.epa.gov/ttn/emc/approalt.html>.

**II. Background**

This notice identifies EPA's broadly applicable alternative test method approval decisions issued between January 1, 2008, and December 31, 2008, under the New Source Performance Standards (NSPS), 40 CFR part 60, and the National Emission Standards for Hazardous Air Pollutants (NESHAP), 40 CFR parts 61 and 63 (see Table 1). Source owners and operators may voluntarily use these broadly applicable alternative test methods subject to their specific applicability. Use of these broadly applicable alternative test methods does not change the applicable emission standards.

As explained in a previous **Federal Register** notice published at 72 FR 4257, 1/30/07 and found on the EPA's Web site at <http://www.epa.gov/ttn/emc/approalt.html>, the EPA Administrator has the authority to approve the use of alternative test methods to comply with requirements under 40 CFR parts 60, 61, and 63. This authority is found in sections 60.8(b)(3), 61.13(h)(1)(ii), and 63.7(e)(2)(ii). Over the years, we have performed thorough technical reviews of numerous requests for alternatives and modifications to test methods and procedures. Based on these experiences, we have found that often these changes

or alternatives would be equally valid and appropriate to apply to other sources within a particular class, category, or subcategory. Consequently, we have concluded that where a method modification or a change or alternative is clearly broadly applicable to a class, category, or subcategory of sources, it is both more equitable and efficient to approve its use for all appropriate sources and situations at the same time.

It is important to clarify that alternative methods are not mandatory but permissive. Sources are not required to employ such a method but may choose to do so in appropriate cases. Source owners or operators should review the specific broadly applicable alternative method approval decision on the EPA's Web site at <http://www.epa.gov/ttn/emc/approalt.html> before electing to employ it. By electing to use an alternative method, the source owner or operator consents to thereafter demonstrate compliance with applicable requirements based on the results of the alternative method until approved to do so otherwise.

The criteria for approval and procedures for submission and review of broadly applicable alternative test methods are outlined at 72 FR 4257, 1/30/07. EPA will continue to announce approvals for broadly applicable alternative test methods on the EPA's Web site at <http://www.epa.gov/ttn/emc/approalt.html> and intends to publish a notice annually that summarizes approvals for broadly applicable alternative test methods.

This notice comprises a summary of eleven such approval documents added

to our technology transfer network from January 1, 2008, through December 31, 2008. The alternative test number, the reference method affected, sources affected, and modification or alternative method allowed are summarized in Table 1 of this notice. Please refer to the complete copies of these approval documents available from the EPA's Web site at <http://www.epa.gov/ttn/emc/approalt.html> as the table serves only as a summary of the broadly applicable alternative test methods. If you are aware of reasons why a particular alternative test method approval that we issue should not be broadly applicable, we request that you make us aware of the reasons within 60 days of the **Federal Register** notice announcing the broad approval, and we will revisit the broad approval. Any objection to a broadly applicable alternative test method as well as the resolution of that objection will be announced on the EPA's Web site at <http://www.epa.gov/ttn/emc/approalt.html> and in the subsequent **Federal Register** notice. If we should decide to retract a broadly applicable test method, we would continue to grant case-by-case approvals, as appropriate, and would (as States, local and Tribal agencies and EPA Regional Offices should) consider the need for an appropriate transition period for users either to request case-by-case approval or to transition to an approved method.

Dated: January 29, 2009.

**Stephen D. Page,**

*Director, Office of Air Quality Planning and Standards.*

**TABLE 1—APPROVED ALTERNATIVE TEST METHODS AND MODIFICATIONS TO TEST METHODS UNDER APPENDICES A, B OR F IN CFR 60, 61, AND 63 MADE BETWEEN JANUARY 2008 AND DECEMBER 2008**

Alternative No.	As an alternative or modification to . . .	For . . .	You may . . .
Alt-039	Method 101A—Determination of Particulate and Gaseous Mercury Emissions from Sewage Sludge Incinerators.	Sludge Drying or Sludge Incineration Facilities affected under the NESHAP for Mercury in 40 CFR part 61, subpart E.	Use Method 29 with limitations outlined in the approval letter in lieu of Method 101A.
Alt-040	Method 25C—Determination of Nonmethane Organic Compounds (NMOC) in Landfill Gas.	Sources affected under the NSPS for Municipal Solid Waste Landfills in 40 CFR part 60, subpart WWW.	Use of a Geoprobe brand sampling probe to create a sampling void.  Use of a polyethylene sampling tubing. Use of a critical orifice to regulate flow.
Alt-041	Method 25C—Determination of Nonmethane Organic Compounds (NMOC) in Landfill Gas.	Sources affected under the NSPS for Municipal Solid Waste Landfills in 40 CFR part 60, subpart WWW.	Use of extraction wells and leachate risers for sampling locations in lieu of the inserting surface probes.
Alt-042	Method 3C—Determination of Carbon Dioxide, Methane, Nitrogen, and Oxygen from Stationary Sources.	Sources affected under the NSPS for Municipal Solid Waste Landfills in 40 CFR part 60, subpart WWW.	Use handheld combustion meters in lieu of Method 3C for 2 of the 3 runs.

TABLE 1—APPROVED ALTERNATIVE TEST METHODS AND MODIFICATIONS TO TEST METHODS UNDER APPENDICES A, B OR F IN CFR 60, 61, AND 63 MADE BETWEEN JANUARY 2008 AND DECEMBER 2008—Continued

Alternative No.	As an alternative or modification to . . .	For . . .	You may . . .
Alt-042	Method 22—Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares.	Sources affected under the NSPS for Municipal Solid Waste Landfills in 40 CFR part 60, subpart WWW.	Reduce Method 22 run times from 2 hours to 30 minutes.
Alt-043	Method 26A—Determination of Hydrogen Halide and Halogen Emissions from Stationary Sources Isokinetic Method.	Sources subject to 40 CFR part 63, subpart RRR—National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production.	Use Method 26 in lieu of Method 26A provided the emission stream does not contain water droplets.
Alt-044	Performance Specification 4B—Specifications and Test Procedures for Carbon Monoxides and Oxygen Continuous Monitoring Systems in Stationary Sources.	Sources subject to 40 CFR part 63, subpart EEE, National Emissions Standards for Hazardous Air Pollutants for Hazardous Waste Combustors.	Use of the alternative relative accuracy procedures in Section 7.3 of PS 4B when CO emissions levels are consistently very low or low and interrupted periodically by short duration high level spikes.
Alt-045	Method 3C—Determination of Carbon Dioxide, Methane, Nitrogen, and Oxygen from Stationary Sources.	Sources affected under the NSPS for Municipal Solid Waste Landfills in 40 CFR part 60, subpart WWW.	Use of an alternative calibration procedure based on a drift basis similar to Method 25.
Alt-046	Method 6C—Determination of Sulfur Dioxides Emissions from Stationary Sources (Instrumental Analyzer Procedure).	Sources affected under the NSPS for Industrial-Commercial-Institutional Steam Generating Units in 40 CFR part 60, subpart Db.	Use of Method 320 in lieu of Method 6C.
Alt-046	Method 7E—Determination of Nitrogen Oxides Emissions from Stationary Sources (Instrumental Analyzer Procedure).	Sources affected under the NSPS for Industrial-Commercial-Institutional Steam Generating Units in 40 CFR part 60, subpart Db.	Use of Method 320 in lieu of Method 7E.
Alt-046	Method 10—Determination of Carbon Monoxide from Stationary Sources (Instrumental Analyzer Procedure).	Sources affected under the NSPS for Industrial-Commercial-Institutional Steam Generating Units in 40 CFR part 60, subpart Db.	Use of Method 320 in lieu of Method 10.
Alt-047	Method 12—Determination of Inorganic Lead from Stationary Sources.	Sources required to use Method 12.	Use of Inductively Coupled Plasma—Mass Spectroscopy Analysis as described in Method 6020/6020A in lieu of atomic adsorption spectroscopy for lead.
Alt-047	Method 103—Beryllium Screening Method.	Sources required to use Method 103.	Use of Inductively Coupled Plasma—Mass Spectroscopy Analysis as described in Method 6020/6020A in lieu of atomic adsorption spectroscopy for beryllium.
Alt-047	Method 104—Determination of Beryllium Emissions from Stationary Sources.	Sources required to use Method 104.	Use of Inductively Coupled Plasma—Mass Spectroscopy Analysis as described in Method 6020/6020A in lieu of atomic adsorption spectroscopy for beryllium.
Alt-047	Method 108—Determination of Particulate and Gaseous Arsenic Emissions.	Sources required to use Method 108.	Use of Inductively Coupled Plasma—Mass Spectroscopy Analysis as described in Method 6020/6020A in lieu of atomic adsorption spectroscopy for arsenic.
Alt-047	Method 108A—Determination of Arsenic Content in Ore Samples from Nonferrous Smelters.	Sources required to use Method 108A.	Use of Inductively Coupled Plasma—Mass Spectroscopy Analysis as described in Method 6020/6020A in lieu of atomic adsorption spectroscopy for arsenic.
Alt-047	Method 108B—Determination of Arsenic Content in Ore Samples from Nonferrous Smelters.	Sources required to use Method 108B.	Use of Inductively Coupled Plasma—Mass Spectroscopy Analysis as described in Method 6020/6020A in lieu of atomic adsorption spectroscopy for arsenic.

TABLE 1—APPROVED ALTERNATIVE TEST METHODS AND MODIFICATIONS TO TEST METHODS UNDER APPENDICES A, B OR F IN CFR 60, 61, AND 63 MADE BETWEEN JANUARY 2008 AND DECEMBER 2008—Continued

Alternative No.	As an alternative or modification to . . .	For . . .	You may . . .
Alt-047	Method 306—Determination of Chromium Emissions from Decorative and Hard Chromium Electroplating and Chromium Anodizing Operation—Isokinetic method.	Sources required to use Method 306.	Use of Inductively Coupled Plasma—Mass Spectroscopy Analysis as described in Method 6020/6020A in lieu of atomic adsorption spectroscopy for chromium.
Alt-048	Method 5—Determination of Particulate Matter Emissions from Stationary Sources.	Sources required to use Method 5	Use of an alternative determination of sample volume and flow rate used by the Isostack metering system.
Alt-049	Performance Specification 4B—Specifications and Test Procedures for Carbon Monoxides and Oxygen Continuous Monitoring Systems in Stationary Sources.	Sources subject to 40 CFR part 63, subpart EEE, National Emissions Standards for Hazardous Air Pollutants for Hazardous Waste Combustors.	Use of the alternative relative accuracy procedures in Section 7.3 of PS 4B when CO emissions levels are consistently very low or low and interrupted periodically by short duration high level spikes.

Source owners or operators should review the specific broadly applicable alternative method approval letter on the EPA's Web site at <http://www.epa.gov/ttn/emc/approalt.html> before electing to employ it.

[FR Doc. E9-4125 Filed 2-25-09; 8:45 am]

BILLING CODE 6560-50-P

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 10 a.m. on Friday, February 27, 2009, to consider the following matters:

**Summary Agenda:** No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous Board of Directors' meetings.

Summary reports, status reports, and reports of actions taken pursuant to authority delegated by the Board of Directors.

**Discussion Agenda:** Assessment System.

Modification of Temporary Liquidity Guarantee Program to Guarantee Mandatory Convertible Debt.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, DC.

This Board meeting will be Webcast live via the Internet and subsequently made available on-demand approximately one week after the event. Visit <http://www.vodium.com/goto/fdic/>

[boardmeetings.asp](http://www.fdic.gov/video.html) to view the event. If you need any technical assistance, please visit our Video Help page at <http://www.fdic.gov/video.html>.

The FDIC will provide attendees with auxiliary aids (e.g., sign language interpretation) required for this meeting. Those attendees needing such assistance should call (703) 562-6067 (Voice or TTY), to make necessary arrangements.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Executive Secretary of the Corporation, at (202) 898-7043.

Dated: February 20, 2009.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Executive Secretary.*

[FR Doc. E9-4077 Filed 2-25-09; 8:45 am]

BILLING CODE 6714-01-P

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:30 a.m. on Friday, February 27, 2009, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, pursuant to section 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider matters relating to the Corporation's supervisory and corporate activities.

The meeting will be held in the Board Room on the sixth floor of the FDIC

Building located at 550 17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Executive Secretary of the Corporation, at (202) 898-7043.

Dated: February 20, 2009.

**Robert E. Feldman,**

*Executive Secretary.*

[FR Doc. E9-4078 Filed 2-25-09; 8:45 am]

BILLING CODE 6714-01-P

## FEDERAL RESERVE SYSTEM

### Proposed Agency Information Collection Activities; Comment Request

**AGENCY:** Board of Governors of the Federal Reserve System.

**SUMMARY:** *Background.* On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act (PRA), as per 5 CFR 1320.16, to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320 Appendix A.1. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instruments are placed into OMB's public docket files. The Federal Reserve may not