

must be filed on or before the dates 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 set below need not serve motions to intervene or protests on persons other than the Applicant. Initial comments on the Settlement are due not later than 10 days after the filing of the Settlement, and reply comments are due not later than 17 days after the filing of the Settlement.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also 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.

*Interventions, Protests and Initial Comments are due by:*

October 2, 2009.

*Reply Comments are due by:* October 9, 2009.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. E9-23653 Filed 9-30-09; 8:45 am]

BILLING CODE 6717-01-P

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OECA-2009-0383; FRL-8964-6]

### Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; NSPS for Small Municipal Waste Combustors (Renewal), EPA ICR Number 1900.04, OMB Control Number 2060-0423

**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 November 2, 2009.

**ADDRESSES:** Submit your comments, referencing docket ID number EPA-HQ-OECA-2009-0383, 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 28221T, 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:

Rebecca Kane, 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) 564-5960; fax number: (202) 564-0050; e-mail address: [kane.rebecca@epa.gov](mailto:kane.rebecca@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 July 8, 2009 (74 FR 32580), 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-2009-0383, 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) 566-1752.

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 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:** NSPS for Small Municipal Waste Combustors (Renewal).

**ICR Numbers:** EPA ICR Number 1900.04, OMB Control Number 2060-0423.

**ICR Status:** This ICR is scheduled to expire on October 31, 2009. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. 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 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:** These regulations apply to small municipal waste combustors (MWCs) commencing construction after

August 30, 1999, and small MWC units commencing reconstruction or modification after June 6, 2001, that combust greater than 35 tons per day (tpd) but less than 250 tpd of municipal solid waste. This information collection is required as a result of the implementation of the New Source Performance Standards developed under the authority of sections 111 and 129 of the Clean Air Act. The regulations require initial notifications, performance tests, and periodic reports. Owners or operators also are required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility or any period during which the monitoring system is inoperative. Owners and operators of small MWCs are required to measure, record, and report emission rates and operating parameters, follow good combustion practices, and submit a siting analysis. Owners or operators subject to these regulations are required to maintain records of measurements and reports for at least five years.

**Burden Statement:** The annual public reporting and recordkeeping burden for this collection of information is estimated to average 1,108 hours per response. 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.

**Respondents/Affected Entities:** Small Municipal Waste Combustors.

**Estimated Number of Respondents:** 2.

**Frequency of Response:** Initially, semiannually, annually, and on occasion.

**Estimated Total Annual Hour Burden:** 9,975.

**Estimated Total Annual Cost:** \$1,087,204, which includes \$938,068 in labor costs, \$66,000 in capital/start-up costs, and operation and maintenance costs of \$83,136.

**Changes in the Estimates:** The adjustment decrease in burden from the most recently approved ICR is an

adjustment due to a decrease in the number of respondents, from three to two.

Dated: September 26, 2009.

**John Moses,**

*Director, Collection Strategies Division.*

[FR Doc. E9-23692 Filed 9-30-09; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[A-1-FRL-8964-3]

### Notice of Prevention of Significant Deterioration; Final Determination for Dominion Energy Brayton Point, Somerset, MA

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

**ACTION:** Notice of final action.

**SUMMARY:** This notice announces that on May 13, 2009, the Environmental Appeals Board ("EAB") of EPA denied review of the petition for review of a Prevention of Significant Deterioration ("PSD") permit ("Permit") that EPA New England issued to Dominion Energy Brayton Point, LLC ("Dominion"). The Permit was issued pursuant to the PSD regulations under 40 CFR 52.21.

**DATES:** The effective date of the EAB's decision, and the Permit, is May 13, 2009. Pursuant to Section 307(b)(1) of the Clean Air Act ("CAA"), 42 U.S.C. 7607(b)(1), judicial review of this permit decision, to the extent it is available, may be sought by filing a petition for review in the United States Court of Appeals for the First Circuit within November 30, 2009.

**ADDRESSES:** The relevant documents for the Permit are available for public inspection during normal business hours at the following address: U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Boston, MA 02114-2023. To arrange viewing of these documents, contact Donald Dahl at (617) 918-1657 or [dahl.donald@epa.gov](mailto:dahl.donald@epa.gov). The Permit is also available at <http://www.epa.gov/NE/communities/pdf/braytonpoint/CoolingTowerPermit.pdf>.

**FOR FURTHER INFORMATION CONTACT:** Donald Dahl, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 1100 (mail code CAP), Boston, MA 02114-2023.

**SUPPLEMENTARY INFORMATION:** Throughout this document, "we," "us" and "our" refer to EPA.

I. What Action Is EPA Taking?  
II. What Is the Background Information?  
III. What Did the EAB Decide?

### I. What Action Is EPA Taking?

We are notifying the public of a final decision by the EAB on the Permit issued by EPA New England pursuant to the PSD regulations found at 40 CFR 52.21.

### II. What Is the Background Information?

Dominion operates an existing coal-fired electric generating station in Somerset, Massachusetts. In March 2003, Massachusetts ended its agreement with EPA to implement the PSD program. Based on this action and since Massachusetts did not subsequently request PSD delegation, EPA is currently the PSD permitting authority within Massachusetts.

Dominion submitted a PSD application to EPA New England requesting approval to construct and operate two new cooling water towers at its facility in Somerset, Massachusetts. After consideration of the PSD application, EPA New England issued the draft Permit on January 28, 2009, for public review and comment. On April 2, 2009, after providing an opportunity for public comment and a public hearing on March 2, 2009, EPA issued the final Permit. The Permit limits particulate matter of 10 microns or less in size and particulate matter of 2.5 microns or less in size from each cooling water towers to 1,066 pounds per day. Subsequent to the issuance of the revised Permit, the EAB received a petition requesting review of the Permit. The EAB denied review of the petition.

### III. What Did the EAB Decide?

The petition, which was filed by Bristol County Broadcasting, Incorporated, argued that the cooling water towers would have a significant adverse affect on the petitioner's AM radio transmissions. The EAB denied review of this petition on two points. First, the petition did not challenge any provision of the Permit governing air emissions of regulated pollutants. Second, the petitioner did not participate in the permitting process during the public comment period for the Permit. Readers interested in more detail on the appeal issues raised by the petitioner and the reasons for the EAB's denial of review may download EAB's Order Denying Review from the EAB Web site at <http://www.epa.gov/eab>.

Pursuant to 40 CFR 124.19(f)(1), for purposes of judicial review, final agency action occurs when a final PSD permit is issued and agency review procedures