

to CWIS) and entrainment (where aquatic organisms, eggs, and larvae are taken into the cooling system, passed through the heat exchanger, and then pumped back out with the discharge from the facility). The 316(b) Phase II rule establishes requirements applicable to the location, design, construction, and capacity of CWISs at Phase II existing facilities. These requirements establish the BTA for minimizing adverse environmental impact associated with the use of CWISs.

The 316(b) Phase II rule was signed on February 16, 2004. Industry and environmental groups, and a number of states filed legal challenges to the rule. Several issues were heard by the Second Circuit's Court of Appeals, which issued a decision on January 25, 2007 remanding portions of the rule (*see Riverkeeper, Inc. v. U.S. EPA, No. 04-6692-ag(L) [2d Cir. Jan. 25, 2007]*). Industry groups also petitioned the Supreme Court on several issues, which issued a decision on April 1, 2009. (*Entergy Corp. v. Riverkeeper, Inc., No. 07-588*). EPA subsequently suspended the 316(b) Phase II rule on July 9, 2007 and is currently in the process of developing a revised rule for existing facilities. However, permitting authorities are still required under section 301 of the CWA to establish BTA permit limits using best professional judgment. The existing Phase II rule provides a framework for the type of information a permit authority needs to establish appropriate BTA limits for CWISs. This ICR does not address the results of court decisions or any proposed regulation.

**Burden Statement:** The annual average reporting and recordkeeping burden for the collection of information by facilities responding to the Section 316(b) Phase II Existing Facility rule is estimated to be 2,071 hours per respondent. The state Director reporting and recordkeeping burden for the review, oversight, and administration of the rule is estimated to average 1,101 hours per respondent. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and use 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; 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 information.

**Respondents/Affected Entities:** Electric power generating facilities, State governments.

**Estimated Number of Respondents:** 514 (472 facilities and 42 states).

**Frequency of Response:** Bi-annually, every five years.

**Estimated Total Annual Hour Burden:** 1,023,521 hours.

**Estimated Total Annual Cost:** \$74,199,667. This includes an estimated burden cost of \$64,224,198 and an estimated cost of \$9,975,469 for capital investment or operation & maintenance.

**Changes in the Estimates:** The change in burden results mainly from the shift from the approval period to the renewal period of the 316(b) Phase II Existing Facilities rule. The currently approved ICR (EPA ICR No. 2060.03) covers the last 2 years of the permit approval period (*i.e.*, years 4 and 5 after implementation) and the first year of the renewal period (*i.e.*, year 6 after implementation). This proposed ICR covers renewal of permits only (years 7 to 9 after implementation). Activities for renewing an NPDES permit already issued under the 316(b) Phase II Existing Facilities rule are less burdensome than those for issuing a permit for the first time.

Dated: August 23, 2010.

**Richard T. Westlund,**

*Acting Director, Collection Strategies Division.*

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**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9189-7]

### Clean Water Act Section 303(d): Availability of List Decisions

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

**ACTION:** Notice and request for comments.

**SUMMARY:** This notice announces the availability of EPA's decision identifying 12 water quality limited waterbodies and associated pollutants in South Dakota to be listed pursuant to the Clean Water Act Section 303(d)(2), and requests public comment. Section 303(d)(2) requires that States submit and EPA approve or disapprove lists of waters for which existing technology-based pollution controls are not stringent enough to attain or maintain

State water quality standards and for which total maximum daily loads (TMDLs) must be prepared.

On July 9, 2010, EPA partially approved and partially disapproved South Dakota's Section 303(d) list submittal for the 2010 listing cycle. Specifically, EPA approved South Dakota's listing of 151 waters, associated pollutants, and associated priority rankings. EPA disapproved South Dakota's decision to not include 12 lakes that had been on the 2008 list. EPA evaluated all the existing and readily available data and information on the lakes and concluded that the beneficial uses for these lakes are not being fully met. Based on this evaluation EPA has determined that the following 12 lakes are not fully attaining the water quality standards established by the State of South Dakota and should be included on the State's list of impaired waters: Waggoner Lake (Haakon County), Bierman Dam (Spink County), Lake Carthage (Miner County), Lake Isabel (Dewey County), Twin Lakes (Sanborn County), Wilmarth Lake (Aurora County), Rahn Lake (Tripp County), Cottonwood Lake (Sully County), East Vermillion Lake (McCook County), Bullhead Lake (Deuel County), Lake Campbell (Campbell County), and Lake Pocasse (Campbell County).

EPA is providing the public the opportunity to review its decision to add these lakes to South Dakota's 2010 Section 303(d) list, as required by EPA's Public Participation regulations. EPA will consider public comments in reaching its final decision to add these lakes to the State's list.

**DATES:** Comments must be submitted to EPA on or before September 27, 2010.

**ADDRESSES:** Comments on the proposed decision should be sent to Tom Johnson, Water Quality Unit (8EPR-EP), U.S. Environmental Protection Agency Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129, telephone (303) 312-6226, facsimile (303) 312-7206, e-mail [johnson.tom@epa.gov](mailto:johnson.tom@epa.gov). Oral comments will not be considered. Copies of EPA's letter concerning South Dakota's list that explains the rationale for EPA's decision can be obtained at EPA Region 8's Web site at <http://www.epa.gov/region08/water/tmdl>, or by writing or calling Mr. Johnson at the above address. Underlying documents from the administrative record for these decisions are available for public inspection at the above address. Please contact Mr. Johnson to schedule an inspection.

**FOR FURTHER INFORMATION CONTACT:** Tom Johnson at (303) 312-6226 or [johnson.tom@epa.gov](mailto:johnson.tom@epa.gov).

**SUPPLEMENTARY INFORMATION:** Section 303(d) of the Clean Water Act (CWA) requires that each State identify those waters for which existing technology-based pollution controls are not stringent enough to attain or maintain State water quality standards. For those waters, States are required to establish TMDLs according to a priority ranking.

EPA's Water Quality Planning and Management regulations include requirements related to the implementation of Section 303(d) of the CWA (40 CFR 130.7). The regulations require States to identify water-quality-limited waters still requiring TMDLs every two years. The lists of waters still needing TMDLs must also include priority rankings, identify the pollutants causing the impairment, and must identify the waters targeted for TMDL development during the next two years (40 CFR 130.7).

Consistent with EPA's regulations, South Dakota submitted to EPA its listing decisions under Section 303(d)(2) in correspondence dated March 29, 2010. On July 9, 2010, EPA approved South Dakota's listing of 151 waters and associated priority rankings. EPA disapproved South Dakota's decision not to include 12 lakes in its list. EPA solicits public comment on the addition of these 12 lakes to the State's list, as required by EPA's Public Participation regulations (40 CFR Part 25).

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

Dated: August 4, 2010.

**Martin Hestmark,**

*Acting Assistant Regional Administrator,  
Office of Ecosystems Protection and  
Remediation.*

[FR Doc. 2010-21390 Filed 8-26-10; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-8992-4]

### Environmental Impacts Statements; Notice of Availability

*Responsible Agency:* Office of Federal Activities, General Information (202) 564-1399 or <http://www.epa.gov/compliance/nepa/3>.

Weekly receipt of Environmental Impact Statements.  
Filed 08/16/2010 Through 08/20/2010.  
Pursuant to 40 CFR 1506.9.

### Notice

In accordance with Section 309(a) of the Clean Air Act, EPA is required to make its comments on EISs issued by other Federal agencies public.

Historically, EPA has met this mandate by publishing weekly notices of availability of EPA comments, which includes a brief summary of EPA's comment letters, in the **Federal Register**. Since February 2008, EPA has been including its comment letters on EISs on its Web site at: <http://www.epa.gov/compliance/nepa/eisdata.html>. Including the entire EIS comment letters on the website satisfies the Section 309(a) requirement to make EPA's comments on EISs available to the public. Accordingly, on March 31, 2010, EPA discontinued the publication of the notice of availability of EPA comments in the **Federal Register**.

*EIS No. 20100317, Final EIS, NOAA, 00, PROGRAMMATIC—Coral Restoration in the Florida Keys and Flower Garden Banks National Marine Sanctuaries, Implementation, FL, TX, and LA, Wait Period Ends: 09/27/2010, Contact: Alice Stratton 203-882-6515.*

*EIS No. 20100330, Final EIS, USFS, OR, Off-Highway Vehicle (OHV) Management Plan, Including Forest Plan Amendment #17, Designation of Roads, Trails and Areas for OHV Use on Mt. Hood National Forest, Implementation, Clackamas, Hood River, Multnomah, and Wasco Counties, OR, Wait Period Ends: 09/27/2010, Contact: Michelle Lombardo 503-668-1796.*

*EIS No. 20100331, Draft EIS, NOAA, 00, Harvest Specifications and Management Measures for the 2011-2012 Pacific Coast Groundfish Fishery and Amendment 16-5 to the Pacific Coast Groundfish Fishery Management Plan, and Adopt a Rebuilding Plan for Petrale Sole, RIN-0648-BA01, WA, OR and CA, Comment Period Ends: 10/12/2010, Contact: William W. Steele, Jr. 206-526-6150.*

*EIS No. 20100332, Final EIS, NPS, MD, Monocacy National Battlefield, General Management Plan, Implementation, Frederick County, MD, Wait Period Ends: 09/27/2010, Contact: Susan Trail 301-694-3147.*

*EIS No. 20100333, Final EIS, NPS, 00, Harpers Ferry National Historical Park, General Management Plan, Implementation, Harpers Ferry, Jefferson County, WV; Loudoun County, VA; and Washington County, MD, Wait Period Ends: 09/27/2010, Contact: Rebecca L. Harriett 304-535-6224.*

*EIS No. 20100334, Final EIS, FAA, PA, Philadelphia International Airport (PHL) Capacity Enhancement Program (CEP) To Accommodate Current and Future Aviation Demand, Funding*

and U.S. Army COE Section 404 Permit, Philadelphia, PA, Wait Period Ends: 09/27/2010, Contact: Susan McDonald 717-730-2841.

*EIS No. 20100335, Draft Supplement, NOAA, 00, Amendment 11 to the Atlantic Mackerel, Squid, and Butterfish (MSB), Update Information MSB Essential Fish Habitat; Establish a Mackerel Recreational Allocation; Establish a Cap to Limit the At-Sea Processing of Mackerel, Fishery Management Plan (FMP), Establish an Atlantic Mackerel Limited Access Program, Implementation, Comment Period Ends: 10/12/2010, Contact: Patricia A. Kurkul 978-281-9250.*

*EIS No. 20100336, Draft EIS, FTA, NC, LYNX—Blue Line Extension Northeast Corridor Light Rail Project, Proposed Light Rail Extension from Center City Charlotte to I-485 near the Mecklenburg-Cabarrus County Line, Charlotte-Mecklenburg County, NC, Comment Period Ends: 10/12/2010, Contact: Keith Melton 404-856-5600* This document is available on the Internet at: <http://charmack.org/city/charlotte/cats/planning/BLE/Pages/deisstudy.aspx>.

*EIS No. 20100337, Final EIS, NRC, WY, Moore Ranch In-Situ Uranium Recovery (ISR) Project, Proposal to Construct, Operate, Conduct Aquifer Restoration, and Decommission an In-Situ Recovery (ISR) Facility, NUREG-1910, Campbell County, WY, Wait Period Ends: 09/27/2010, Contact: Behram Shroff 301-415-0666.*

*EIS No. 20100338, Draft EIS, BLM, CA, First Solar Desert Sunlight Solar Farm (DSSF) Project, Proposing To Develop a 550-Megawatt Photovoltaic Solar Project, Also Proposes to Facilitate the Construction and Operation of the Red Bluff Substation, California Desert Conservation Area (CDCA) Plan, Riverside County, CA, Comment Period Ends: 11/26/2010, Contact: Allison Shaffer 760-833-7100.*

*EIS No. 20100339, Final EIS, BLM, CA, Genesis Solar Energy Project, Application for a Right-of-Way Grant to Construct, Operate and Decommission a Solar Thermal Facility on Public Lands, California Desert Conservation Area Plan, Riverside County, CA, Wait Period Ends: 09/27/2010, Contact: Allison Shaffer 760-833-7104.*

*EIS No. 20100340, Final EIS, USA, WA, Fort Lewis Army Growth and Force Structures Realignment, Implementation, Fort Lewis and Yakima Training Center, Kittitas, Pierce, Thurston and Yakima Counties, WA, Wait Period Ends: 09/27/2010, Contact: Lisa Booher 410-436-2405.*