

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Project No. 12611-003]

Verdant Power, LLC; Notice Concluding Pre-Filing Process and Approving Process Plan and Schedule

May 1, 2009.

a. *Type of Filing:* Notice of Intent to File Application for License for a Hydrokinetic Pilot Project.

b. *Project No.:* 12611-003.

c. *Dated Filed:* November 25, 2008.

d. *Submitted By:* Verdant Power, LLC.

e. *Name of Project:* Roosevelt Island Tidal Energy (RITE) Project.

f. *Location:* In the east channel of the East River in New York City, New York. The project would not occupy federal lands.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations

h. *Applicant Contact:* Ronald F. Smith, Verdant Power, LLC, The Octagon, 888 Main Street, New York, NY 10044 (212) 888-8887 ext. 601.

i. *FERC Contact:* Tom Dean (202) 502-6041.

j. Verdant Power, LLC (Verdant Power) has filed with the Commission:

(1) A notice of intent (NOI) to file an application for a pilot hydrokinetic hydropower project and a draft license application with monitoring plans; (2) a request for waivers of certain Integrated Licensing Process (ILP) regulations necessary for expedited processing of a license application for a hydrokinetic pilot project; (3) a proposed process plan and schedule; and (4) a request to be designated as the non-federal representative for section 7 of the Endangered Species Act consultation and for section 106 consultation under the National Historic Preservation Act.

k. A notice was issued on December 1, 2008, soliciting comments on the draft license application from agencies and stakeholders. Comments were filed by federal and state agencies, and non-governmental organizations. No comments were filed opposing the request to waive the integrated licensing process regulations or the proposed process plan and schedule.

l. The December 1, 2008, notice approved Verdant Power's request to be designated as the non-federal representative for section 7 of the Endangered Species Act (ESA) with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service, and

its request to initiate consultation under section 106 of the National Historic Preservation Act with the New York State Historic Preservation Officer.

m. The proposed RITE Project would consist of: (1) A field array of 30 35-kilowatt, 5-meter-diameter axial flow Kinetic Hydropower System (KHPS) turbine-generator units mounted on ten tri-frame mounts with a total capacity of about 1 megawatt; (2) underwater cables from each turbine to five shoreline switchgear vaults that would interconnect to a control room and interconnection points; and (3) appurtenant facilities for navigation safety and operation. The estimated annual generation of the proposed project would be between 1,680 and 2,400 megawatt-hours.

n. The pre-filing process has been concluded and the requisite regulations have been waived such that the process and schedule indicated below can be implemented.

o. Post-filing process schedule. The post-filing process will be conducted pursuant to the following schedule. Revisions to the schedule may be made as needed.

Milestones	Dates
Final license application expected	July 31, 2009.
Issue notice of acceptance and ready for environmental analysis and request for interventions	August 17, 2009.
Issue biological assessment	August 17, 2009.
Comments and interventions due	September 16, 2009.
Issue notice of availability of environmental assessment	November 16, 2009.
Comments due and 10(j) resolution, if needed	December 16, 2009.

p. Register online at <http://ferc.gov/esubscribenow.htm> to be notified via e-mail of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Kimberly D. Bose,
Secretary.

[FR Doc. E9-10695 Filed 5-7-09; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2003-0162; FRL-8902-8]

Agency Information Collection Activities; Proposed Collection; Comment Request; Regional Haze Regulations; EPA ICR No. 1813.07, OMB Control No. 2060-0412

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 to renew an existing approved Information Collection Request (ICR) to the Office of Management and Budget (OMB). This ICR is scheduled to expire on October 31, 2009. 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 July 7, 2009.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2003-0162 by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email:* a-and-r-docket@epa.gov.

- *Fax:* (202) 566-9744.

• *Mail:* Agency Information Collection Request Activities: Proposed Collection and Comment Request for the Regional Haze Regulations Docket, Environmental Protection Agency, Air and Radiation Docket and Information Center, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Please include a total of two copies.

• *Hand Delivery:* EPA Docket Center, Public Reading Room, EPA West, 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-OAR-2003-0162. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at 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 or e-mail. The 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 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: Mr. Todd Hawes, Air Quality Policy Division, Office of Air Quality Planning and Standards, (C539-04), Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541-5591; fax number: (919) 541-0824; e-mail address: hawes.todd@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-OAR-2003-0162, which is available for online viewing at www.regulations.gov, or in person at the Air 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 8:30 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 Air Docket is 202-566-1742.

Use 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 Paperwork Reduction Act, 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?

Affected entities: Entities potentially affected by this action are state, local and tribal air quality agencies; regional planning organizations; facilities potentially regulated under the regional haze rule.

Title: Regional Haze Regulations; EPA ICR No. 1813.07, OMB Control No. 2060-0412

ICR numbers: EPA ICR No. 1813.07, OMB Control No. 2060-0412.

ICR status: This ICR is currently scheduled to expire on October 31, 2009. 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 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: This ICR is for activities related to the implementation of EPA's 1999 regional haze rule, for the time period between October 31, 2009 and October 30, 2012, and renews the previous ICR. The regional haze rule, as authorized by sections 169A and 169B of the Clean Air Act (CAA), requires states to develop implementation plans to protect visibility in 156 federally-protected Class I areas. Tribes may choose to develop implementation plans. For this time period, states will be completing their implementation plans to comply with the rule. Before any agency, department, or instrumentality of the federal government engages in, supports in any way, provides financial assistance for, licenses, permits, or approves any activity, that agency has the affirmative responsibility to ensure that such action conforms to the State Implementation Plan (SIP) required under the regional haze rule. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information request unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9 and 48 CFR chapter 15. Section 176(c) of the CAA (42 U.S.C. 7401 et seq.) requires that all federal actions conform with the SIP requirements. Depending on the type of action, the federal entities must collect

information themselves, hire consultants to collect the information or require applicants/sponsors of the federal action to provide the information.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 37 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.

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

Estimated total number of potential respondents: 859.

Frequency of response: Annual.

Estimated total average number of responses for each respondent: 1.

Estimated total annual burden hours: 31,841 hours.

Estimated total annual costs: \$1,965,000. This includes an estimated burden cost of \$1,965,000 and an estimated cost of \$0 for capital investment or maintenance and operational costs.

Are There Changes in the Estimates From the Last Approval?

There are only minor revisions to the cost estimates since the last renewal of this ICR (July 11, 2006; 71 FR 39104). The last collection request anticipated the program progressing from the planning stages to implementation. That transition has been somewhat delayed as most states were late in getting their implementation plans submitted by the December 2007 deadline. Also, the decision by the U.S. Court of Appeals for the D.C. Circuit to vacate (on July 11, 2008) and subsequently remand (on December 23, 2008) the Clean Air Interstate Rule has added much uncertainty to the implementation phase of the program. Consequently, the amount of effort anticipated in July 2006 remains the same today, and burden estimates are essentially unchanged,

except for revised labor and wage rates using 2007 cost estimates. Also, in 2006, it was estimated that one tribe would submit a SIP; however no tribes elected to submit SIPs and the number of respondents has been reduced by one.

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 29, 2009.

Jenny N. Edmonds,

Acting Director, Office of Air Quality Planning and Standards.

[FR Doc. E9-10763 Filed 5-7-09; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-8593-3]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at 202-564-7146.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 17, 2009 (74 FR 17860).

Draft EISs

EIS No. 20090045, ERP No. D-USN-K11023-00, West Coast Basing of the MV-22 Determining Basing Location(s) and Providing Efficient Training Operations, CA, AZ.

Summary: EPA expressed environmental concerns about impacts to air quality from the basing of the MV-22. Rating EC2.

EIS No. 20090057, ERP No. D-AFS-L65567-00, Wallowa-Whitman National Forest Invasive Plants Treatment Project, To Protect Native

Vegetation by Controlling, Containing, or Eradicating Invasive Plant, Wallowa, Baker, Malheur, and Grant Counties, OR and Adams and Nez Perce Counties, ID.

Summary: EPA expressed environmental concerns about potential adverse impacts from herbicide treatments to water quality, especially for impaired water bodies. The final EIS should include mitigation measures ensuring weed treatments would not degrade water quality. Rating EC2.

EIS No. 20090070, ERP No. DS-AFS-K65312-CA, Pilgrim Vegetation Management Project, Updated Information to Address and Respond to the Specific Issues Identified in the Court Ruling. Implementation, Shasta-Trinity National Forest, Siskiyou County, CA.

Summary: EPA expressed environmental concerns about the potential inadvertent exposure of Sporax to humans and non-target species, as well as potential adverse impacts to snag-dependent and late successional species. Rating EC2.

Final EISs

EIS No. 20090068, ERP No. F-AFS-L05240-AK, Angoon Hydroelectric Project, Construction and Operation, Special Use Authorization, Thayer Creek, Admiralty Island National Monument, Tongass National Forest, AK.

Summary: The Final EIS adequately responded to our comments on environmental impacts to water quality and aquatic habitat; therefore, EPA does not object to this action.

EIS No. 20090072, ERP No. F-USN-E11066-00, Jacksonville Range Complex Project, To Support and Conduct Current and Emerging Training and RDT&E Operations, NC, SC, GA and FL.

Summary: EPA continues to have environmental concerns about the deposition of expended training materials and their accumulation over time.

EIS No. 20090119, ERP No. F-NPS-C65006-NY, Governors Island National Monument, General Management Plan, Implementation, New York Harbor, NY.

Summary: No formal comment letter was sent to the preparing agency.

EIS No. 20090084, ERP No. FA-BLM-K67011-NV, Betze Pit Expansion Project, Development of New Facilities and Expansion of Existing Open-Pit Gold Mining, Eureka and Elko Counties, NV.