

What Information Collection Activity or ICR Does this Apply to?

Affected entities: Entities potentially affected by this action are Delaware and New Jersey air pollution control agencies.

Title: Inclusion of Delaware and New Jersey in the Clean Air Interstate Rule.

ICR numbers: EPA ICR No. 2184.03, OMB Control No. 2060-0584.

ICR status: This ICR is currently scheduled to expire on July 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, 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: The United States (U.S.) Environmental Protection Agency (EPA) has a final Rule to add the States of Delaware and New Jersey to the States that are subject to the Clean Air Interstate Rule (CAIR) because of their PM_{2.5} impact on other States and to require that Delaware and New Jersey report all of the emissions related data required by CAIR. (Delaware and New Jersey are already affected by ozone-related requirements in CAIR.) These emissions data reporting requirements include new reporting requirements and combine these new requirements with existing requirements from the Consolidated Emissions Reporting Rule (CERR), the Emission Reporting Requirements for Ozone State Implementation Plan (SIP) Revisions Relating to Statewide Budgets for NO_x Emissions to Reduce Regional Transport of Ozone (NO_x SIP Call), the Acid Rain Program under Title IV of the CAA Amendments of 1990, and the Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule, CAIR). Each of these four existing requirements has an approved ICR in place. The current ICRs are: for the CERR, ICR #0916.10 (OMB 2060-0088), for the NO_x SIP Call, ICR #1857.03 (OMB 2060-0445), for the Acid Rain Program, ICR #1633.13 (OMB 2060-0258), and for CAIR, ICR #2152.01 (OMB 2060-0570).

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 741 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: 2.

Frequency of response: Varies by task.

Estimated total average number of responses for each respondent: 370.

Estimated total annual burden hours: 2,452 hours.

Estimated total annual costs: \$262,772.80. This includes an estimated burden cost of \$242,593.80 and an estimated cost of \$20,179.00 for capital investment or maintenance and operational costs.

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: May 4, 2009.

Janice K. Wagner,

Acting Director, Clean Air Markets Division, Office and Air and Radiation.

[FR Doc. E9-10965 Filed 5-8-09; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-8903-2]

Clean Air Act Operating Permit Program; Petition for Objection to State Operating Permit for CEMEX, Inc.—Lyons Cement Plant

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final action.

SUMMARY: This document announces that the EPA Administrator has responded to a citizen petition asking EPA to object to an operating permit issued by the Colorado Department of Public Health and Environment (CDPHE). Specifically, the Administrator has partially granted and partially denied the March 21, 2008 petition, submitted by Rocky Mountain Clean Air Action (Petitioner), to object to the March 1, 2008 operating permit issued to CEMEX, Inc. to operate the Lyons Cement Plant.

Pursuant to section 505(b)(2) of the Clean Air Act (Act), Petitioners may seek judicial review of those portions of the petitions, which EPA denied in the United States Court of Appeals for the appropriate circuit. Any petition for review shall be filed within 60 days from the date this notice appears in the **Federal Register**, pursuant to section 307 of the Act.

ADDRESSES: You may review copies of the final order, the petition, and other supporting information at the EPA Region 8 Office, 1595 Wynkoop Street, Denver, Colorado 80202-1129. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the copies of the final order, the petition, and other supporting information. You may view the hard copies Monday through Friday, 8 a.m. to 4 p.m., excluding Federal holidays. If you wish to examine these documents, you should make an appointment at least 24 hours before visiting day. Additionally, the final order for CEMEX, Inc. is available electronically at: http://www.epa.gov/region07/programs/artd/air/title5/petitiondb/petitions/cemex_response2009.pdf

FOR FURTHER INFORMATION CONTACT: Donald Law, Office of Partnerships and Regulatory Assistance, EPA, Region 8, 1595 Wynkoop Street, Denver, Colorado 80202-1129, (303) 312-7015, law.donald@epa.gov.

SUPPLEMENTARY INFORMATION: The Act affords EPA a 45-day period to review, and object to as appropriate, a Title V operating permit proposed by State

permitting authorities. Section 505(b)(2) of the Act authorizes any person to petition the EPA Administrator, within 60 days after the expiration of this review period, to object to a Title V operating permit if EPA has not done so. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the State, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or the grounds for the issues arose after this period.

On March 21, 2008, EPA received a petition from Rocky Mountain Clean Air Action requesting that EPA object to the issuance of the Title V operating permit to CEMEX, Inc. for the operation of the Lyons Cement Plant. First, the Petitioner alleges that the CEMEX, Inc. Lyons Cement Plant modified the Plant without including emission limits and standards that represent Best Achievable Control Technology (BACT)

and Lowest Achievable Emission Rate (LAER) consistent with the Prevention of Significant Deterioration (PSD) and the Nonattainment New Source Review (NA NSR) provisions. In addition, the Petitioner alleges that the Title V permit fails to include a compliance plan to bring the plant into compliance with emission limits that represent BACT and LAER. The Petitioner alleges a compliance plan is necessary and cites to the Notice of Violation (NOV) EPA issued to CEMEX on March 28, 2007. EPA issued the NOV to CEMEX alleging violations, in part, of regulations for PSD and NA NSR. Second, the Petitioner raises several allegations of PSD and NSR violations in addition to those alleged in the EPA NOV. Specifically, Petitioner alleged that there were six kiln modifications and three dryer modifications that violated PSD and NA NSR requirements.

On April 20, 2009, the Administrator issued an order partially granting and partially denying the petition. The order

explains the reasons behind EPA's conclusion to partially grant and partially deny the petition for objection.

Dated: May 1, 2009.

Stephen S. Tuber,

Acting Regional Administrator, Region 8.

[FR Doc. E9-10966 Filed 5-8-09; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

Meetings; Sunshine Act

May 6, 2009.

FCC To Hold Open Commission Meeting, Wednesday, May 13, 2009

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Wednesday, May 13, 2009, which is scheduled to commence at 10 a.m. in Room TW-C305, at 445 12th Street, SW., Washington, DC.

Item No.	Bureau	Subject
1	Office of Managing Director	<i>Title:</i> Assessment and Collection of Regulatory Fees for Fiscal Year 2009 (MD Docket No. 08-65). <i>Summary:</i> The Commission will consider a Notice of Proposed Rulemaking and Order that seeks comment on the collection of regulatory fees for Fiscal Year 2009 and proposes adjustments to the existing regulatory fee schedule contained in Section 9 of the Communications Act.
2	Wireline Competition	<i>Title:</i> IP-Enabled Services (WC Docket No. 04-36). <i>Summary:</i> The Commission will consider a Report and Order concerning the requirements of interconnected VoIP providers when discontinuing service.
3	Wireline Competition	<i>Title:</i> Local Number Portability Porting Interval and Validation Requirements (WC Docket No. 07-244); Telephone Number Portability (CC Docket No. 95-116). <i>Summary:</i> The Commission will consider a Report and Order and Further Notice of Proposed Rulemaking concerning the interval for porting a customer's telephone number in response to wireline-to-wireline and intermodal port requests.

The meeting site is fully accessible to people using wheelchairs or other mobility aids. Sign language interpreters, open captioning, and assistive listening devices will be provided on site. Other reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need. Also include a way we can contact you if we need more information. Last minute requests will be accepted, but may be impossible to fill. Send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Additional information concerning this meeting may be obtained from Audrey Spivack or David Fiske, Office

of Media Relations, (202) 418-0500; TTY 1-888-835-5322. Audio/Video coverage of the meeting will be broadcast live with open captioning over the Internet from the FCC's Audio/Video Events Web page at <http://www.fcc.gov/realaudio>.

For a fee this meeting can be viewed live over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the Internet. To purchase these services call (703) 993-3100 or go to <http://www.capitolconnection.gmu.edu>.

Copies of materials adopted at this meeting can be purchased from the FCC's duplicating contractor, Best Copy and Printing, Inc. (202) 488-5300; Fax (202) 488-5563; TTY (202) 488-5562. These copies are available in paper

format and alternative media, including large print/type; digital disk; and audio and video tape. Best Copy and Printing, Inc. may be reached by e-mail at FCC@BCPIWEB.com.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

[FR Doc. E9-11065 Filed 5-7-09; 4:15 pm]

BILLING CODE 6712-01-P

* The summaries listed in this notice are intended for the use of the public attending open Commission meetings. Information not summarized

may also be considered at such meetings. Consequently these summaries should not be

interpreted to limit the Commission's authority to consider any relevant information.