

Power Corporation d/b/a National Grid (National Grid), and the New York Municipal Power Agency (NYMPA) (collectively, settling parties) filed a partial offer of settlement (Settlement Agreement) in Docket Nos. EL09-26-000 and EL09-26-001. The Settlement Agreement seeks to resolve several issues arising out of NYSEG's December 23, 2008 petition for a declaratory order regarding invoices issued by the New York Independent System Operator (NYISO) between 1999 and 2008 to market participants, in certain NYSEG and National Grid metering subzones that were affected by metering errors. The invoices at issue are identified in Appendices 5 and 6 of the Joint Stipulation of Facts Not in Dispute which is attached to the Settlement Agreement. The settling parties assert that they were unable to reach an agreement on whether the Commission should order NYISO to correct the invoices affected by the metering errors during the period in question (reserved issue).

The settling parties have agreed to present the reserved issue to the Commission for determination and have also requested that the Commission allow comments on the Settlement Agreement and permit briefs to be filed on the reserved issue.

Parties may submit comments on the Settlement Agreement within 30 days of the date of the issuance of this Notice and parties may submit reply comments within 40 days of the date of the issuance of this Notice.¹

Parties may submit initial briefs on the reserved issue within 45 days of the date of the issuance of this Notice and parties may submit reply briefs within 15 days of the submission of initial briefs.

The Commission encourages electronic submission of filings in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Those unable to file electronically should submit an original and 14 copies of all filings to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is 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, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Kimberly D. Bose,
Secretary.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-8969-6]

Cross-Media Electronic Reporting Rule State Authorized Program Revision/Modification Approvals: State of Minnesota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval, under regulations for Cross-Media Electronic Reporting, of the State of Minnesota's request to revise/modify programs to allow electronic reporting for certain of their EPA-authorized programs under title 40 of the CFR.

DATES: EPA's approval is effective on October 19, 2009.

FOR FURTHER INFORMATION CONTACT: Evi Huffer, U.S. Environmental Protection Agency, Office of Environmental Information, Mail Stop 2823T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, (202) 566-1697, huffer.evi@epa.gov, or David Schwarz, U.S. Environmental Protection Agency, Office of Environmental Information, Mail Stop 2823T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, (202) 566-1704, schwarz.david@epa.gov.

SUPPLEMENTARY INFORMATION: On October 13, 2005, the final Cross-Media Electronic Reporting Rule (CROMERR) was published in the **Federal Register** (70 FR 59848) and codified as part 3 of title 40 of the CFR. CROMERR establishes electronic reporting as an acceptable regulatory alternative to paper reporting and establishes requirements to assure that electronic documents are as legally dependable as their paper counterparts. Subpart D of CROMERR, requires that State, tribal or local government agencies that receive, or wish to begin receiving, electronic reports under their EPA-authorized programs must apply to EPA for a revision or modification of those programs and get EPA approval. Subpart D provides standards for such approvals based on consideration of the electronic

document receiving systems that the State, tribe, or local government will use to implement the electronic reporting. Additionally, in § 3.1000(b) through (e) of 40 CFR part 3, subpart D provides special procedures for program revisions and modifications to allow electronic reporting, to be used at the option of the State, tribe or local government in place of procedures available under existing program-specific authorization regulations. An application submitted under the subpart D procedures must show that the State, tribe or local government has sufficient legal authority to implement the electronic reporting components of its authorized programs covered by the application and will use electronic document receiving systems that meet the applicable subpart D requirements.

On December 23, 2008, the State of Minnesota Pollution Control Agency (MPCA) submitted an application for its CROMERR Online Services (MPCA-CROMERR) electronic document receiving system for revision or modification of multiple EPA-authorized programs under title 40 CFR. EPA reviewed MPCA's request to revise/modify their EPA-authorized programs and, based on this review, determined the application met the standards for approval of authorized program revisions/modifications set out in 40 CFR part 3, subpart D. In accordance with 40 CFR 3.1000(d), this notice of EPA's decision to approve Minnesota's request for revision/modification to certain of their authorized programs is being published in the **Federal Register**.

Specifically, EPA has approved MPCA's request for revisions/modifications to the following of their authorized programs to allow electronic reporting under 40 CFR parts 51, 60-61, 70-71, 122-123, 262, 264-265, and 403:

- Part 52—Approval and Promulgation of Implementation Plans;
- Part 60—Standards of Performance for New Stationary Sources;
- Part 61—National Emission Standard for Hazardous Air Pollutants;
- Part 70—State Operating Permit Programs;
- Part 123—State Program Requirements;
- Part 271—Requirements for Authorization of State Hazardous Waste Programs; and
- Part 403—General Pretreatment Regulations for Existing and New Sources of Pollution.

MPCA was notified of EPA's determination to approve its application with respect to the authorized programs listed above.

¹ The Commission's establishment of a comment and briefing period in the above captioned proceedings does not prejudice how the Commission may ultimately rule on the Settlement Agreement pending before us.

Dated: October 8, 2009.

Lisa Schlosser,

Director, Office of Information Collection.

[FR Doc. E9-25124 Filed 10-16-09; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-8970-1, EPA-HQ-OW-2008-0238]

Modification to 2008 National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges From Construction Activities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA Regions 1, 2, 3, 5, 6, 7, 8, 9, and 10 today are proposing for public comment a modification to the 2008 National Pollutant Discharge Elimination System (NPDES) general permits for stormwater discharges associated with construction activity in order to extend by one-year the expiration date of the permit. Hereinafter, these NPDES general permits will be referred to as "permit" or "2008 construction general permit" or "2008 CGP." The 2008 CGP was

originally issued for a period not to exceed two (2) years. Today, EPA proposes to modify the CGP in order to extend the 2 year term of the 2008 CGP by one year so that it expires on June 30, 2011, instead of June 30, 2010. If EPA finalizes this action, the 2008 CGP will be in effect for a period of three (3) years. By Federal law, no NPDES permit may be issued for a period that exceeds five (5) years.

DATES: Comments on EPA's proposal, including the draft permit, must be postmarked by November 18, 2009. If finalized as proposed, EPA would be extending the expiration date of the 2008 CGP until midnight June 30, 2011.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier. To send comments directly to the docket for this notice, go to the Federal Docket Management System (FDMS) at <http://www.Regulations.gov> and enter Docket ID No. EPA-HQ-OW-2008-0238 in the Search Box under "Comment or Submission." Comments may be sent by electronic mail (e-mail) to ow-docket@epa.gov, Attention Docket ID No. EPA-HQ-OW-2008-0238. To send comments by mail in hard copy or via a Disk or CD-ROM, use the following address: Water Docket, Environmental

Protection Agency, mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attention Docket ID No. EPA-HQ-OW-2008-0238. To send comments by hand delivery or courier, deliver your comments to: Public Reading Room, Room B102, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC 20004, Attention Docket ID No. EPA-HQ-OW-2008-0238. Further instructions for submitting comments are provided in Section I.C.

FOR FURTHER INFORMATION CONTACT: Greg Schaner, Water Permits Division, Office of Wastewater Management (Mail Code: 4203M), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., EPA East, Washington, DC 20460; telephone number: (202) 564-0721; fax number: (202) 564-6431; e-mail address: schaner.greg@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Action Apply to Me?

If a discharger chooses to apply to for coverage under the 2008 CGP, the permit provides specific requirements for preventing contamination of stormwater discharges from the following construction activities:

Category	Examples of affected entities	North American Industry Classification System (NAICS) Code
Industry	Construction site operators disturbing 1 or more acres of land, or less than 1 acre but part of a larger common plan of development or sale if the larger common plan will ultimately disturb 1 acre or more, and performing the following activities:	
	Building, Developing and General Contracting	233
	Heavy Construction	234

EPA does not intend the preceding table to be exhaustive, but provides it as a guide for readers regarding entities likely to be regulated by this action. This table lists the types of activities that EPA is now aware of that could potentially be affected by this action. Other types of entities not listed in the table could also be affected. To determine whether your facility is affected by this action, you should carefully examine the definition of "construction activity" and "small construction activity" in existing EPA regulations at 40 CFR 122.26(b)(14)(x) and 122.26(b)(15), respectively. If you have questions regarding the applicability of this action to a particular entity, consult the person listed for technical information in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Eligibility for coverage under the 2008 CGP is limited to operators of "new projects" or "unpermitted ongoing projects." A "new project" is one that commences after the effective date of the 2008 CGP. An "unpermitted ongoing project" is one that commenced prior to the effective date of the 2008 CGP, yet never received authorization to discharge under the 2003 CGP or any other NPDES permit covering its construction-related stormwater discharges. This permit is effective only in those areas where EPA is the permitting authority. A list of eligible areas is included in Appendix B of the 2008 CGP.

B. How Can I Get Copies of This Document and Other Related Information?

1. Docket. EPA has established an official public docket for this action

under Docket ID No. EPA-HQ-OW-2008-0238. The official public docket is the collection of materials that is available for public viewing at the Water Docket in the EPA Docket Center, (EPA/DC) EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC 20460. Although all documents in the docket are listed in an index, some information is not publicly available, *i.e.*, Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Publicly available docket materials are available electronically through www.regulations.gov and in hard copy at the EPA Docket Center Public Reading Room, open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744 and the telephone