

Derryberry, Director, Regulatory Affairs, El Paso Natural Gas Company, P.O. Box 1087, Colorado Springs, Colorado 80944, phone (719) 520-3782 or fax (719) 667-7534.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding, or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify Federal and State agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all Federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the below listed comment date, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's

rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

Motions to intervene, protests and comments may be filed electronically via the Internet in lieu of paper; see, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings.

*Comment Date:* May 21, 2009.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E9-10519 Filed 5-6-09; 8:45 am]

**BILLING CODE 6717-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-R06-OAR-2009-0202; FRL-8902-2]

### Adequacy Status of the Crittenden County, AR Maintenance Plan 8-Hour Ozone Motor Vehicle Emission Budgets for Transportation Conformity Purposes

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

**ACTION:** Notice of adequacy.

**SUMMARY:** EPA is notifying the public that it has found that the motor vehicle emissions budgets (MVEBs) in the Crittenden County, Arkansas Redesignation Request/Maintenance Plan State Implementation Plan (SIP) revision, submitted on February 24, 2009 and supplemented on March 6, 2009, by the Arkansas Department of Environmental Quality (ADEQ) are adequate for transportation conformity

purposes. As a result of EPA's finding, Crittenden County must use these MVEBs for future conformity determinations for the 1997 8-hour ozone standard.

**DATES:** These MVEBs are effective May 22, 2009.

#### FOR FURTHER INFORMATION CONTACT:

Jeffrey Riley, Air Planning Section, U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733. Mr. Riley can also be reached by telephone at (214) 665-8542, or via electronic mail at [riley.jeffrey@epa.gov](mailto:riley.jeffrey@epa.gov). The finding is available at EPA's conformity Web site: <http://www.epa.gov/otaq/stateresources/transconf/currps.htm>.

#### SUPPLEMENTARY INFORMATION:

This notice is simply an announcement of a finding that EPA has already made. EPA Region 6 sent a letter to ADEQ on April 20, 2009, stating that the MVEBs in the Crittenden County Redesignation Request/Maintenance Plan SIP, submitted on February 24, 2009 and supplemented on March 6, 2009, are adequate for the Crittenden County, Arkansas portion of the Memphis, Tennessee 1997 8-hour ozone nonattainment area and must be used for transportation conformity determinations in Crittenden County. The bi-state Memphis, Tennessee 8-hour ozone nonattainment area (Area) is comprised of the following counties: Crittenden in Arkansas, and Shelby in Tennessee. Arkansas' Redesignation Request/Maintenance Plan submittal addresses only MVEBs for the Arkansas portion of this Area. The MVEBs for the Tennessee portion of this Area are addressed in a separate submittal provided by Tennessee. EPA is addressing the adequacy of the Tennessee MVEBs through a separate notice. EPA posted the availability of the Crittenden County budgets on EPA's Web site on March 11, 2009, as part of the adequacy process, for the purpose of soliciting comments. The comment period for the Arkansas submittal ran from March 11, 2009, through April 10, 2009. During EPA's adequacy comment period, no adverse comments were received on the Crittenden County on-road MVEBs. This finding has also been announced on EPA's conformity Web site: <http://www.epa.gov/otaq/stateresources/transconf/pastps.htm>.

The adequate MVEBs are provided in the following table:

CRITTENDEN COUNTY, AR 8-HOUR  
OZONE MVEBS  
[Tons per day]

| Year       | NO <sub>x</sub> | VOC  |
|------------|-----------------|------|
| 2006 ..... | 6.27            | 2.95 |
| 2021 ..... | 1.84            | 1.39 |

Transportation conformity is required by section 176(c) of the Clean Air Act. EPA's conformity rule, 40 Code of Federal Regulations (CFR) part 93, requires that transportation plans, programs and projects conform to state air quality implementation plans and establishes the criteria and procedures for determining whether or not they do so. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

The criteria by which EPA determines whether a SIP's MVEBs are adequate for transportation conformity purposes are outlined in 40 CFR 93.118(e)(4). We have also described the process for determining the adequacy of submitted SIP budgets in our July 1, 2004, final rulemaking entitled, "Transportation Conformity Rule Amendments for the New 8-hour Ozone and PM2.5 National Ambient Air Quality Standards and Miscellaneous Revisions for Existing Areas; Transportation Conformity Rule Amendments: Response to Court Decision and Additional Rule Changes" (69 FR 40004). Please note that an adequacy review is separate from EPA's completeness review, and it should not be used to prejudge EPA's ultimate approval of the Crittenden County Maintenance Plan SIP revision submittal. Even if EPA finds a budget adequate, the Maintenance Plan SIP revision submittal could later be disapproved.

Within 24 months from the effective date of this notice, the transportation partners will need to demonstrate conformity to the new MVEBs if the demonstration has not already been made, pursuant to 40 CFR 93.104(e). See, 73 FR 4419 (January 24, 2008).

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: April 29, 2009.  
**Lawrence E. Starfield,**  
*Acting Regional Administrator, Region 6.*  
[FR Doc. E9-10654 Filed 5-6-09; 8:45 am]  
**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION  
AGENCY**

[FRL-8900-1]

**Draft EPA Region 4 National Pollutant  
Discharge Elimination System  
(NPDES) General Permit for  
Stormwater Discharges From  
Construction Activities**

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

**ACTION:** Notice of proposed permit issuance.

**SUMMARY:** EPA Region 4 today is proposing for public comment the issuance of its 2009 National Pollutant Discharge Elimination System general permit for stormwater discharges on Indian Country Lands within the states of Region 4 from new dischargers engaged in large and small construction activities. Hereinafter, this NPDES general permit will be referred to as "permit" or "2009 construction general permit" or "2009 CGP." "New dischargers" are those who did not file a notice of intent ("NOI") to be covered under the 2004 construction general permit ("2004 CGP") before it expired. Existing dischargers who properly filed an NOI to be covered under the 2004 CGP continue to be authorized to discharge under that permit according to its terms. This draft 2009 CGP contains generally the same limits and conditions as the National CGP issued by other EPA regions on July 30, 2008 ("2008 National CGP"). As proposed, EPA Region 4 is issuing this CGP for a period not to exceed two (2) years and will make the permit available to new construction activities and unpermitted ongoing activities only.

**DATES:** Comments on EPA Region 4's proposal, including the draft permit, must be postmarked by June 14, 2009.

**ADDRESSES:** Persons wishing to comment on any aspects of this permit reissuance or wishing to request a public hearing are invited to submit their comments or hearing requests in writing within thirty (30) days of this notice to the Water Protection Division,

Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, GA 30303, Attention: Alanna Conley.

**Instructions:** A copy of the draft 2009 CGP and its accompanying fact sheet is available at <http://www.epa.gov/region4/water/permits/stormwater.html>. EPA's policy is that all comments received will be included in the public docket without change, 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 e-mail. 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 FURTHER INFORMATION CONTACT:** The proposed NPDES general permit, fact sheet and other relevant documents are on file and may be inspected any time between 9 a.m. and 4 p.m., Monday through Friday at the address shown above. Copies of these documents may be obtained by writing the above address or by calling Alanna Conley at (404) 562-9443. In addition, copies of the proposed permit and fact sheet may be downloaded at <http://www.epa.gov/region4/water/permits/stormwater.html>.

For any questions, please contact Alanna Conley, telephone number: (404) 562-9443, or at the following address: Water Protection Division, Stormwater and Nonpoint Source Section, Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, GA 30303, or by fax at (404) 562-9224.

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

*A. Does This Action Apply to Me?*

The 2009 CGP would potentially apply to 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: |                                                            |