

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Docket No. ER96–1085–013]

**South Carolina Electric & Gas Company; Notice of Filing**

June 24, 2009.

Take notice that on January 13, 2009, South Carolina Electric & Gas Company (SCE&G) filed a response to the Commission's December 23, 2008 Letter Order requesting SCE&G to submit additional information regarding its updated market power analysis filed with the Commission on September 2, 2008.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention 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](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on July 6, 2009.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. E9–15456 Filed 6–30–09; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

[FRL–8924–9]

**Issuance of a Final NPDES General Permit (GP) for Federal Aquaculture Facilities and Aquaculture Facilities Located in Indian Country Within the Boundaries of the State of Washington (Permit Number WAG–13–0000)****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Issuance of final NPDES General Permit.

**SUMMARY:** On November 12, 2008, the Director, Office of Water and Watersheds, EPA Region 10, proposed to issue a general permit to cover federal aquaculture facilities and aquaculture facilities in Indian Country in the State of Washington that meet minimum size thresholds of 20,000 pounds annual production and 5,000 pounds of feed used in the maximum month of feeding. During the 47-day comment period, EPA received comments from six people representing four organizations and has prepared a Response to Comments document to explain changes made in the permit and reasons for not making changes that were requested. EPA received certification for the permit under Section 401 of the Clean Water Act from the Lummi Nation, the Makah Tribe, the Spokane Tribe, the Tulalip Tribes, and the Washington Department of Ecology.

**DATES:** The permit will become effective August 1, 2009 and will expire July 31, 2014. The permit issuance date is July 15, 2009.

**ADDRESSES:** Copies of the General Permit and the Response to Comments may be requested from Audrey Washington, EPA Region 10, 1200 Sixth Avenue, Suite 900, OWW–130, Seattle, WA 98101–3140, by phone at (206) 553–0523, or by e-mail: [washington.audrey@epa.gov](mailto:washington.audrey@epa.gov).

**FOR FURTHER INFORMATION CONTACT:** Copies of the general permit, fact sheet, and response to comments are available on the EPA Region 10 Web site at <http://yosemite.epa.gov/R10/WATER.NSF/NPDES+Permits/General+NPDES+Permits#fedaqua>.

**SUPPLEMENTARY INFORMATION:****A. Endangered Species Act**

EPA has determined that issuance of the General Permit is not likely to adversely affect threatened or endangered salmonids, birds, or marine mammals, their designated critical habitat, or essential fish habitat. EPA has also determined that issuance of the

General Permit will have no effect on any threatened or endangered marine reptiles, terrestrial mammals, invertebrates, or their designated critical habitats. Consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service is ongoing.

**B. Executive Order 12866**

The Office of Management and Budget has exempted this action from the review requirements of Executive Order 12866 pursuant to Section 6 of that order.

**C. Paperwork Reduction Act**

The information collection requirements of this permit were previously approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and assigned OMB control numbers 2040–0086 (NPDES permit application) and 2040–0004 (discharge monitoring reports).

**D. Unfunded Mandates Reform Act**

Section 201 of the Unfunded Mandates Reform Act (UMRA), Public Law 104–4, generally requires federal agencies to assess the effects of their "regulatory actions" (defined to be the same as "rules" subject to the RFA) on tribal, state, and local governments and the private sector. However, general NPDES permits are not "rules" subject to the requirements of 5 U.S.C. 553(b) and are therefore not subject to the UMRA.

**E. Appeal of Permits**

Any interested person may appeal the general permit in the Federal Court of Appeals in accordance with Section 509(b)(1) of the Clean Water Act. This appeal must be filed within 120 days after the permit issuance date. Persons affected by the permits may not challenge the conditions of the permits in further EPA proceedings (*See* 40 CFR 124.19). Instead they may either challenge the permit in court or apply for an individual NPDES permit.

Dated: June 23, 2009.

**Michael A. Bussell,**

Director, Office of Water &amp; Watersheds, Region 10.

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