

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 April 28, 2010.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. 2010-9935 Filed 4-28-10; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 13328-001—Alaska Snyder Falls Creek Project]

#### **Cordova Electric Cooperative, Inc.; Notice of Proposed Restricted Service List for a Programmatic Agreement for Managing Properties Included in or Eligible for Inclusion in the National Register of Historic Places**

April 21, 2010.

Rule 2010 of the Federal Energy Regulatory Commission’s (Commission) Rules of Practice and Procedure provides that, to eliminate unnecessary expense or improve administrative efficiency, the Secretary may establish a restricted service list for a particular phase or issue in a proceeding.<sup>1</sup> The restricted service list should contain the names of persons on the service list who, in the judgment of the decisional authority establishing the list, are active participants with respect to the phase or issue in the proceeding for which the list is established.

The Commission staff is consulting with the Alaska State Historic Preservation Officer (hereinafter, “Alaska SHPO”) and the Advisory Council on Historic Preservation, pursuant to section 106 of the National Historic Preservation Act<sup>2</sup> and its

implementing regulations,<sup>3</sup> to develop and execute a programmatic agreement for managing properties included in, or eligible for inclusion in, the National Register of Historic Places at the Snyder Falls Creek Project.

The programmatic agreement, when executed by the Commission and the Alaska SHPO, would satisfy the Commission’s section 106 responsibilities for all individual undertakings carried out in accordance with the license until the license expires or is terminated (36 CFR 800.13[e]). The Commission’s responsibilities, pursuant to section 106 for the Snyder Falls Creek Project, would be fulfilled through the programmatic agreement, which the Commission staff proposes to develop in consultation with the interested participants listed below. The executed programmatic agreement would be incorporated into any order issuance.

Cordova Electric Cooperative, Inc., as applicant for the Snyder Falls Creek Project, is invited to participate in the consultation to develop the programmatic agreement. For the purpose of commenting on the programmatic agreement, we propose to restrict the service list for the proposed project as follows:

John Fowler, Executive Director, Advisory Council on Historic Preservation, The Old Post Office Building, 1100 Pennsylvania Avenue, NW., Suite 803, Washington, DC 20004.

Judith Bittner, SHPO, Office of History & Archaeology, 550 W 7th Avenue, Suite 1310, Anchorage, AK 99501.  
Clay Koplín, CEO, Cordova Electric Cooperative, Inc., P.O. Box 20, Cordova, AK 99574-0020.

Roy Totemoff, President, Tatitlek Corporation, 561 E. 36 Avenue, Anchorage, AK 99503.

Jason Borer, Eyak Corporation, P.O. Box 340, Cordova, AK 99574.

David Phillips, Chugach Alaska Corporation, 3800 Centerpoint Drive, Suite 601, Anchorage, AK 99503.

Bruce Cain, Native Village of Eyak, P.O. Box 1388, Cordova, AK 99574.

Representative, U.S. Forest Service, Chugach National Forest, 3301 C Street, Suite 300, Anchorage, AK 99503.

Any person on the official service list for the above-captioned proceeding may request inclusion on the restricted service list, or may request that a restricted service list not be established, by filing a motion to that effect within 15 days of this notice date. In a request for inclusion, please identify the reason or reasons why there is an interest to be

included. Also, please identify any concerns about historic properties, including properties of traditional religious and cultural importance to a federally recognized tribe or tribal corporation that has an affiliation to the area. If historic properties are identified within the motion, please use a separate page, and label it NON-PUBLIC INFORMATION.

The original and eight copies of any such motion must be filed with Kimberly D. Bose, Secretary of the Commission, 888 First Street, NE., Washington, DC 20426, and must be served on each person whose name appears on the official service list. Please put the following on the first page: Snyder Falls Creek Project No. 13328-001. Motions may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission’s Web site (<http://www.ferc.gov>) under the “e-Filing” link.

If no such motions are filed, the restricted service list will be effective at the end of the 15 day period. Otherwise, a further notice will be issued ruling on any motion or motions filed within the 15 day period.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. 2010-9933 Filed 4-28-10; 8:45 am]

BILLING CODE 6717-01-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9143-4]

### **Preliminary Listing of an Additional Water to Wisconsin’s 2008 List of Waters Under Section 303(d) of the Clean Water Act**

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

**ACTION:** Notice and request for comments.

**SUMMARY:** This notice announces the availability of EPA’s decision identifying one water quality limited waterbody and associated pollutants in Wisconsin to be listed pursuant to the Clean Water Act Section 303(d)(2), and requests public comment. Section 303(d)(2) requires that States submit and EPA approve or disapprove lists of waters for which existing technology-based pollution controls are not stringent enough to attain or maintain State water quality standards and for which total maximum daily loads (TMDLs) must be prepared.

<sup>1</sup> 18 CFR 385.2010.

<sup>2</sup> 16 U.S.C. 470 (2006) *et seq.*

<sup>3</sup> 36 CFR part 800 (2009).

On January 26, 2010, EPA partially approved and partially disapproved Wisconsin's submittal. Specifically, EPA approved Wisconsin's listing of waters, associated pollutants, and associated priority rankings. EPA disapproved Wisconsin's decision not to list one water quality limited segment and associated pollutant. EPA identified this additional water body and unidentified pollutants along with priority rankings for inclusion on the 2008 Section 303(d) list.

EPA is providing the public the opportunity to review its decision to add the water and unidentified pollutant to Wisconsin's 2008 Section 303(d) list, as required by EPA's Public Participation regulations. EPA will consider public comments in reaching its final decision on the additional water body and pollutants identified for inclusion on Wisconsin's final list.

**DATES:** Comments on this document must be received in writing by June 1, 2010.

**ADDRESSES:** Written comments on today's notice may be submitted to Tinka G. Hyde, Director, Water Division, Attn: Illinois 303 (d) list, U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. As an alternative, EPA will accept comments electronically. Comments should be sent to the following Internet E-mail Address: [keclik.donna@epa.gov](mailto:keclik.donna@epa.gov).

**FOR FURTHER INFORMATION CONTACT:** Donna Keclik, Watersheds and Wetlands Branch, at the EPA address noted above or by telephone at (312) 886-6766. Some additional information can be found at <http://www.epa.gov/reg5oh2o/wshednps/notices.htm>.

**SUPPLEMENTARY INFORMATION:** Section 303(d) of the Clean Water Act (CWA) requires that each State identify those waters for which existing technology-based pollution controls are not stringent enough to attain or maintain State water quality standards. EPA's Water Quality Planning and Management regulations include requirements related to the implementation of Section 303(d) of the CWA (40 CFR 130.7). The regulations require States to identify water quality limited waters still requiring TMDLs every two years. The lists of waters still needing TMDLs must also include priority rankings and must identify the waters targeted for TMDL development during the next two years (40 CFR 130.7).

Consistent with EPA's regulations, Wisconsin submitted to EPA its listing decision under Section 303(d)(2) on August 1, 2008. On January 26, 2010,

EPA approved Wisconsin's listing of waters and associated priority rankings and disapproved Wisconsin's decisions not to list one water quality limited segment and associated pollutants, along with priority rankings for inclusion on the 2008 Section 303(d) list. More specifically, EPA disapproved Wisconsin's decision not to include Musky Bay on the 2008 list for impairment because this water does not meet Wisconsin's narrative standard set out in Wisconsin Administrative Code NR 102.04 (1)(b), which provides that "Floating or submerged debris, oil, scum or other material shall not be present in such amounts as to interfere with public rights in waters of the State." As a result of EPA's disapproval decision, EPA is proposing to place Musky Bay on Wisconsin's 303(d) list. The list of waterbody/pollutants that EPA has approved and EPA's decision document are available at <http://www.epa.gov/reg5oh2o/wshednps/notices.htm>.

During its review of WDNr's proposed 303(d) list, EPA reviewed data available to the State that indicated the impairment of Musky Bay due to excessive nutrients. After reviewing the existing and readily available data, U.S. EPA has determined, for reasons discussed below, that Musky Bay should be included in Category 5A of Wisconsin's 2008 list of impaired waters.

During the 2008 public notice and comment period, WDNr received comments suggesting that the State should list Musky Bay for impairment due to the presence of excessive nutrients, including phosphorus, elevated pH values, as well as the degradation of the Bay due to large floating algal mats and the presence of an invasive plant species known as Curly Leaf Pondweed (*Potamogeton crispus*).

The State determined that it would not list the Bay because Wisconsin does not have numeric criterion for phosphorus and WDNr did not believe that the available data provided a compelling rationale for listing. These data included water samples taken at four locations in the Bay. These locations are (1) MB-1, a deep hole in the Bay; (2) MB-2, the east outlet from the cranberry bog operation (an inlet to the lake); (3) MB-2a, the west outlet from the cranberry bog operation (an inlet to the lake); and (4) MB-4, the north shore line of the Bay.

After reviewing these data, WDNr determined that samples taken only from MB-1, the deep hole, were representative of the Bay because this location was centrally located and arguably provided a natural average of

the various influences on the Bay's water quality, as represented by the other sample locations. After isolating the data for MB-4, WDNr concluded that sampling here showed lower phosphorous levels than at any other site, and that the Bay was not impaired due to phosphorus. WDNr stated that it will continue to monitor phosphorous levels in the Bay and will reconsider an impairment determination on the basis of phosphorus in 2010. Further, WDNr noted that the presence of curly leaf pondweed as an invasive aquatic species was not a sufficient basis for making an impairment determination.

While U.S. EPA agrees with the State that additional sampling is needed to make an impairment decision with regard to phosphorus, after reviewing available data, U.S. EPA determined that the Bay is impaired based on Wisconsin's narrative standard Wisc. Admin. Code NR 102.04 (1)(b), which provides that "Floating or submerged debris, oil, scum or other material shall not be present in such amounts as to interfere with public rights in waters of the State" and thus the Bay should be listed as a Category 5A water.

In making its listing proposal, U.S. EPA reviewed the information submitted during the State's public comment period and held subsequent discussions with WDNr staff. WDNr supplied a copy of a letter dated November 8, 2007, from WDNr to Lac Courte Oreilles Lake Association stating that "there are very significant water quality concerns for Musky Bay and that the cranberry bogs' discharge of nutrients is a major source of the problems." WDNr further stated in the letter that there are two suggestions that could be considered to help partially address the water quality/water use concerns:

1. Navigational corridors through the dense beds of aquatic plants could be maintained by mechanical harvesting or possibly herbicide application. This would improve access to the main lake by Musky Bay property owners and improve access to the bay by other lake users. Implementing this activity would be likely to enhance your argument that the public use of the bay is currently limited and costs are being incurred to address the limitation. \* \* \*

2. Sources of nutrient loading other than the cranberry bogs could be assessed for application of nutrient loading reductions practices. Other agricultural areas and residential areas in Musky Bay watershed have been estimated to be the source of about 12% of the annual phosphorus load to the bay (Lac Courte Oreilles Conservation Department). \* \* \*<sup>1</sup>

<sup>1</sup> See Letter from Tom Aartila, Upper Chippewa Basin Watershed Supervisor, WDNr, to Messrs. Siverton and Umland, November 8, 2007, attached

Based on the information submitted, including the documented impaired use of the Bay for boating, as evidenced by WDNR's acknowledgement of the need to cut navigational corridors through the heavy algal mats, U.S. EPA is proposing to list Musky Bay on the 2008 Wisconsin's 303(d) list in Category 5A.

EPA solicits public comment on its identification of one additional water and associated pollutant Musky Bay, pollutant unidentified for inclusion on Wisconsin's 2008 Section 303(d) list.

Dated: April 15, 2010.

**Timothy C. Henry,**

*Acting Director, Water Division,  
EPA Region 5.*

[FR Doc. 2010-9984 Filed 4-28-10; 8:45 am]

**BILLING CODE 6560-50-P**

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

### Agency Information Collection Activities: Proposed Collection; Submission for OMB Review

**AGENCY:** Equal Employment Opportunity Commission.

**ACTION:** Final notice of submission for OMB review.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, the Commission announces that it is submitting to the Office of Management and Budget (OMB) a request for an extension without change of the existing information collection request described below.

**DATES:** Written comments must be received on or before June 1, 2010.

**ADDRESSES:** A copy of this ICR and applicable supporting documentation submitted to OMB for review may be obtained from: Erin N. Norris, Senior Attorney, (202) 663-4876, Office of Legal Counsel, 131 M Street, NE., Washington, DC 20507. Comments on this final notice must be submitted to Chad Lallemand in the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or electronically mailed to [Chad\\_A\\_Lallemand@omb.eop.gov](mailto:Chad_A_Lallemand@omb.eop.gov). Comments should also be sent to Stephen Llewellyn, Executive Officer, Executive Secretariat, Equal Employment Opportunity Commission, 131 M Street, NE., Suite 6NE03F, Washington, DC 20507. Written comments of six or fewer pages may be

faxed to the Executive Secretariat at (202) 663-4114. (There is no toll free FAX number.) Receipt of facsimile transmittals will not be acknowledged, except that the sender may request confirmation of receipt by calling the Executive Secretariat staff at (202) 663-4070 (voice) or (202) 663-4074 (TTY). (These are not toll free numbers.)

#### FOR FURTHER INFORMATION CONTACT:

Thomas J. Schlageter, Assistant Legal Counsel, (202) 663-4668, or Erin N. Norris, Senior Attorney, (202) 663-4876, Office of Legal Counsel, 131 M Street, NE., Washington, DC 20507. Copies of this notice are available in the following alternate formats: Large print, braille, electronic computer disk, and audio-tape. Requests for this notice in an alternative format should be made to the Publications Center at 1-800-699-3362 (voice), 1-800-800-3302 (TTY), or 703-821-2098 (FAX—this is not a toll free number).

**SUPPLEMENTARY INFORMATION:** A notice that EEOC would be submitting this request was published in the **Federal Register** on February 22, 2010, allowing for a 60-day public comment period. No comments were received.

#### Overview of This Information Collection

*Type of Review:* Extension—No change.

*Collection title:* Recordkeeping under Title VII and the ADA.

*OMB number:* 3046-0040.

*Agency Form No.:* None.

*Frequency of Report:* Other.

*Type of Respondent:* Employers with 15 or more employees.

*Description of affected public:* Employers with 15 or more employees are subject to Title VII and the ADA.

*Number of responses:* 899,580.

*Reporting hours:* One.

*Federal cost:* None.

*Abstract:* Section 709(c) of Title VII, 42 U.S.C. 2000e-8(c) and section 107(a) of the ADA, 42 U.S.C. 12117(a) require the Commission to establish regulations pursuant to which employers subject to those Acts shall make and preserve certain records to assist the EEOC in assuring compliance with the Acts' nondiscrimination in employment requirements. This is a recordkeeping requirement. Any of the records maintained which are subsequently disclosed to the EEOC during an investigation are protected from public disclosure by the confidentiality provisions of section 706(b) and 709(e) of Title VII which are also incorporated by reference into the ADA at section 107(a).

*Burden statement:* The estimated number of respondents is approximately

899,580 employers. The recordkeeping requirement does not require reports or the creation of new documents, but merely requires retention of documents that the employer has made or kept. Thus, the burden imposed by these regulations is minimal. The burden is estimated to be less than one hour per employer.

OMB is particularly interested in comments which:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the Commission's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including 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.

Dated: April 26, 2010.

For the Commission.

**Jacqueline A. Berrien,**  
*Chair.*

[FR Doc. 2010-9964 Filed 4-28-10; 8:45 am]

**BILLING CODE 6570-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collection Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority, Comments Requested

April 23, 2010.

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501 - 3520. Comments are requested concerning: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways