

US EPA ARCHIVE DOCUMENT



35.13(a)(2)(iii): Letter Agreement for
fic Wind, LLC for Pacific Wind
act to be effective 4/27/2011.

led Date: 05/10/2011.

ccession Number: 20110510-5001.

omment Date: 5 p.m. Eastern Time
uesday, May 31, 2011.

ocket Numbers: ER11-3541-000.

pplicants: Public Service Company
olorado.

escription: Public Service Company
olorado submits tariff filing per
3(a)(2)(iii): 2011-5-10 PSCo In-Kind
ses to be effective 7/1/2011.

iled Date: 05/10/2011.

ccession Number: 20110510-5066.

omment Date: 5 p.m. Eastern Time
uesday, May 31, 2011.

ny person desiring to intervene or to
est in any of the above proceedings
t file in accordance with Rules 211
214 of the Commission's Rules of
tice and Procedure (18 CFR 385.211
385.214) on or before 5 p.m. Eastern
e on the specified comment date. It
ot necessary to separately intervene
in in a subdocket related to a
pliance filing if you have previously
rvened in the same docket. Protests
l be considered by the Commission
etermining the appropriate action to
aken, but will not serve to make
testants parties to the proceeding.
/one filing a motion to intervene or
test must serve a copy of that

ument on the Applicant. In reference
ilings initiating a new proceeding,
rventions or protests submitted on
efore the comment deadline need
be served on persons other than the
plicant.

s it relates to any qualifying facility
igs, the notices of self-certification
self-recertification] listed above, do
institute a proceeding regarding
lifying facility status. A notice of
-certification [or self-recertification]
ply provides notification that the
ity making the filing has determined
facility named in the notice meets
applicable criteria to be a qualifying
ity. Intervention and/or protest do
lie in dockets that are qualifying
lity self-certifications or self-
ertifications. Any person seeking to
llenge such qualifying facility status
y do so by filing a motion pursuant
8 CFR 292.207(d)(iii). Intervention
protests may be filed in response to
ices of qualifying facility dockets
er than self-certifications and self-
ertifications.

he Commission encourages
ronic submission of protests and
rventions in lieu of paper, using the
C Online links at <http://www.ferc.gov>. To facilitate electronic
nce persons with Internet access

who will eFile a document and/or be
listed as a contact for an intervenor
must create and validate an
eRegistration account using the
eRegistration link. Select the eFiling
link to log on and submit the
intervention or protests.

Persons unable to file electronically
should submit an original and 14 copies
of the intervention or protest to the
Federal Energy Regulatory Commission,
888 First St. NE., Washington, DC
20426.

The filings in the above proceedings
are accessible in the Commission's
eLibrary system by clicking on the
appropriate link in the above list. They
are also 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.

Dated: May 10, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011-12013 Filed 5-16-11; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[D-WVA-2011-0001; FRL-9305-7]

Delegation of Authority to the State of West Virginia To Implement and Enforce Additional or Revised National Emission Standards for Hazardous Air Pollutants and New Source Performance Standards

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Notice of delegation of
authority.

SUMMARY: On January 5, 2011, EPA sent
West Virginia a letter acknowledging
that West Virginia's delegation of
authority to implement and enforce
NESHAP and NSPS had been updated,
as provided for under previously
approved delegation mechanisms. To
inform regulated facilities and the
public of West Virginia's updated
delegation of authority to implement
and enforce NESHAP and NSPS, EPA is
making available a copy of EPA's letter
to West Virginia through this notice.

DATES: On January 5, 2011, EPA sent
West Virginia a letter acknowledging
that West Virginia's delegation of

authority to implement and enforce
NESHAP and NSPS had been updated.

ADDRESSES: Copies of documents
pertaining to this action are available for
public inspection during normal
business hours at the Air Protection
Division, U.S. Environmental Protection
Agency, Region III, 1650 Arch Street,
Philadelphia, Pennsylvania 19103-
2029. Copies of West Virginia's
submittal are also available at the West
Virginia Department of Environmental
Protection, Division of Air Quality, 601
57th Street SE., Charleston, West
Virginia 25304. Copies of West
Virginia's notice to EPA that West
Virginia has updated its incorporation
by reference of federal NESHAP and
NSPS, and of EPA's response, may also
be found posted on EPA Region III's
Web site at: [http://www.epa.gov/
reg3artd/airregulations/delegate/wv
delegation.htm](http://www.epa.gov/reg3artd/airregulations/delegate/wv_delegation.htm).

FOR FURTHER INFORMATION CONTACT: Ray
Chalmers, (215) 814-2061, or by e-mail
at chalmers.ray@epa.gov.

SUPPLEMENTARY INFORMATION: West
Virginia notified EPA that West Virginia
has updated its incorporation by
reference of federal NESHAP and NSPS
to include many such standards, to the
extent referenced in 40 CFR Parts 60, 61
and 63, effective June 1, 2009. EPA
responded by sending West Virginia a
letter acknowledging that West Virginia
now has the authority to implement and
enforce the NESHAP and NSPS as
specified by West Virginia in its notice
to EPA, as provided for under the
previously approved automatic
delegation mechanisms. To inform
regulated facilities and the public of
West Virginia's updated delegation of
authority to implement and enforce
NESHAP and NSPS, EPA is making
available a copy of EPA's letter to West
Virginia through this notice. All
notifications, applications, reports and
other correspondence required pursuant
to the newly delegated standards must
be submitted to both the U.S. EPA
Region III and to the West Virginia
Department of Environmental
Protection. A copy of EPA's letter to
West Virginia follows:

John Benedict, Director, Division of Air
Quality, West Virginia Department of
Environmental Protection, 601 57th Street,
Charleston, WV 25304.

Dear Mr. Benedict: The Environmental
Protection Agency (EPA) has previously
delegated to the State of West Virginia (West
Virginia) the authority to implement and
enforce various federal National Emissions
Standards for Hazardous Air Pollutants
(NESHAP) and New Source Performance
Standards (NSPS), which are found at 40 CFR

60, 61 and 63.¹ In those actions EPA delegated to West Virginia the authority to implement and enforce any future EPA HAP or NSPS on the condition that West Virginia legally adopt the future standards, only allowed wording changes, and the specified notice to EPA.

In a letter dated April 6, 2010, West Virginia informed the EPA that West Virginia updated its incorporation by reference of the final NESHAP and NSPS to include many standards, to the extent referenced in 40 CFR Parts 60, 61, and 63, effective June 1, 2010. West Virginia noted that it understood that it was automatically delegated the authority to implement these standards. West Virginia committed to enforcing the standards in conformance with the terms of EPA's previous delegations of authority. West Virginia made only allowed wording changes.

West Virginia provided copies of the revised West Virginia Legislative Rules which specify the NESHAP and NSPS which West Virginia has adopted by reference. These revised Legislative Rules are entitled "SR 34—Emission Standards for Hazardous Air Pollutants," and 45 CSR 16—Standards of Performance for New Stationary Sources." These revised Rules have an effective date of June 1, 2010.

Accordingly, EPA acknowledges that West Virginia now has the authority, as provided under the terms of EPA's previous delegation actions, to implement and enforce NESHAP and NSPS standards which West Virginia has adopted by reference in West Virginia's revised Legislative Rules 45 CSR 34 and 45 CSR 16, both effective on June 1, 2010.

In a case note that on December 19, 2008, in *Sierra Club v. EPA*,² the United States Court of Appeals for the District of Columbia Circuit vacated certain provisions of the general Provisions of 40 CFR Part 63 relating to exemptions for startup, shutdown, and malfunction (SSM). On October 16, 2009, the court issued the mandate vacating these SSM exemption provisions, which are found at 40 CFR 63.6(f)(1) and (h)(1).

Accordingly, EPA no longer allows sources to use the SSM exemption as provided for in the revised provisions at 40 CFR 63.6(f)(1) and (h), even though EPA has not yet formally revoked the SSM exemption provisions from the General Provisions of 40 CFR Part 63. Because West Virginia incorporated 40 CFR Part 63 by reference, West Virginia should no longer allow sources to use the SSM exemption from the General Provisions of 40 CFR Part 63 due to the court's ruling in *Sierra Club v. EPA*. EPA appreciates West Virginia's continuing NESHAP and NSPS enforcement efforts, and also West Virginia's decision to automatically delegate of additional and recent NESHAP and NSPS by adopting them by reference.

Sincerely,
Diana Esher,

EPA has posted copies of these actions at: <http://www.epa.gov/reg3air/airregulations/delegate/wvaction.htm>.

Sierra Club v. EPA, 551 F.3d 1019 (DC Cir.

Director, Air Protection Division.

This notice acknowledges the update of West Virginia's delegation of authority to implement and enforce NESHAP and NSPS.

Dated: April 26, 2011.

Diana Esher,

Director, Air Protection Division, Region III.

[FR Doc. 2011-11826 Filed 5-16-11; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-9306-3]

Notice of Disclosure of Confidential Business Information Obtained Under the Comprehensive Environmental Response, Compensation and Liability Act to EPA Contractor Toeroek Associates Inc., and Their Subcontractor, Science Applications International Corp.

AGENCY: Environmental Protection Agency.

ACTION: Notice, request for comment.

SUMMARY: The U. S. Environmental Protection Agency ("EPA") hereby complies with the requirements of 40 CFR 2.310(h) for authorization to disclose confidential business information ("CBI") submitted to EPA Region 9 pursuant to CERCLA to EPA contractor Toeroek Associates Inc., of Lakewood, CO and their subcontractor, Science Applications International Corp., of San Diego, CA.

DATES: Comments may be submitted by May 31, 2011.

ADDRESSES: Comments should be sent to: Keith Olinger, Environmental Protection Agency, Region 9, SFD-7-5, 75 Hawthorne Street, San Francisco, CA 94105, (415) 972-3125.

FOR FURTHER INFORMATION CONTACT: Keith Olinger, Superfund Division, Environmental Protection Agency, Region 9, SFD-7-5, 75 Hawthorne Street, San Francisco, CA 94105, (415) 972-3125.

Notice of Required Determinations, Contract Provisions and Opportunity To Comment: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), as amended (commonly known as "Superfund"), requires completion of enforcement activities at Superfund sites in concert with other site events. EPA has entered into a contract with Toeroek Associates Inc., Contract No EP-BPA-11-W-0001, for enforcement support in relation to Region 9 Superfund sites. Enforcement

support services will be provided to EPA by Toeroek Associates Inc., and their subcontractor, Science Applications International Corp. EPA has determined that disclosure of CBI to Toeroek Associates Inc., and Science Applications International Corp, and its employees, is necessary in order for the company to carry out its work for EPA under its contract. The information EPA intends to disclose includes submissions made by Potentially Responsible Parties to EPA in accordance with EPA's enforcement activities at Region 9 Superfund sites. The information would be disclosed to the above-named EPA contractors, for any of the following reasons: to assist with document handling, inventory, and indexing; to assist with document review and analysis; to verify completeness; and to provide technical review of submittals. The contract complies with all requirements of 40 CFR 2.310(h)(2). EPA Region 9 will require that each of the contractor's and subcontractor's employees with access to CBI sign a written agreement that he or she: (1) Will use the information only for the purpose of carrying out the work required by the contract, (2) will refrain from disclosing the information to anyone other than EPA without prior written approval of each affected business or of an EPA legal office, and (3) will return to EPA all copies of the information (and any abstracts or extracts therefrom) upon request from the EPA program office, whenever the information is no longer required by the contractor for performance of the work required by the contract or upon completion of the contract.

Dated: May 5, 2011.

Nancy Lindsay,

Acting Director, Superfund Division, U.S. EPA, Region IX.

[FR Doc. 2011-12059 Filed 5-16-11; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL ACCOUNTING STANDARDS ADVISORY BOARD

Notice of Issuance of Statement of Federal Financial Accounting Standard 40, Definitional Changes Related to Deferred Maintenance and Repairs: Amending Statement of Federal Accounting Standard 6, Accounting for Property, Plant, and Equipment

AGENCY: Federal Accounting Standards Advisory Board.

ACTION: Notice.

Board Action: Pursuant to 31 U.S.C. 3511(f), the Federal Advisory