

Federal Power Act, proposing to study the feasibility of the East Rosebud Hydro Project, which would be located on East Rosebud Creek, in Carbon County, Montana. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A new 8-foot-high, 100-foot-long concrete diversion dam; (2) a new 7-foot-wide, 30-foot-long intake extending from the right side of the dam; (3) a new 42-inch-diameter, 2.2-mile-long steel penstock; (4) a new powerhouse containing one generating unit with an installed capacity of 6 megawatts; (5) a new tailrace discharging flows into East Rosebud Creek; (6) a new substation; (7) a new 50-kilovolt, 3.6-mile-long transmission line; and (8) appurtenant facilities. The proposed project would have an average annual generation of 40 gigawatt-hours.

*Applicant Contact:* Ben Singer, Project Manager, Hydrodynamics, Inc., P.O. Box 1136, Bozeman, MT 59771; phone: (406) 587-5086.

*FERC Contact:* Dianne Rodman, (202) 502-6077.

*Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications:* 60 days from the issuance of this notice. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (<http://www.ferc.gov/docs-filing/ferconline.asp>) under the "eFiling" link. For a simpler method of submitting text only comments, click on "Quick Comment." For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov); call toll-free at (866) 208-3676; or, for TTY, contact (202) 502-8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and eight copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the "eLibrary" link of Commission's Web site at: <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number

(P-13531) in the docket number field to access the document. For assistance, contact FERC Online Support.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E9-25870 Filed 10-27-09; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Panel Member List for Hydropower Licensing Study Dispute Resolution; Notice Requesting Applications for Panel Member List for Hydropower Licensing Study Dispute Resolution

October 20, 2009.

This notice requests applications from those interested in being listed as potential panel members to assist in the Federal Energy Regulatory Commission's (Commission) study dispute resolution process for the integrated licensing process of hydropower projects.

#### Background

The Commission's integrated licensing process (ILP) regulations pertaining to hydroelectric licensing under the Federal Power Act encourages informal resolution of study disagreements. In cases where this is not successful, a formal study dispute resolution process is available for state and federal agencies or Indian tribes with mandatory conditioning authority.<sup>1</sup>

The ILP provides that the disputed study must be submitted to a dispute resolution panel consisting of a person from Commission staff, a person from the agency or Indian tribe referring the dispute to the Commission, and a third person selected by the other two panelists from a pre-established list of persons with expertise in the disputed resource area.<sup>2</sup> The third panel member (TPM) will serve without compensation, except for certain allowable travel expenses to be borne by the Commission (31 CFR 301).

The role of the panel members is to make a finding, with respect to each disputed study request, on the extent to which each study criteria set forth in the regulations is or is not met,<sup>3</sup> and why. The panel will then make a

recommendation to the Director of the Office of Energy Projects based on the panel's findings.

TPMs can only be selected from a list of qualified persons (TPM List) that is developed and maintained by the Commission. This notice seeks additional members for the TPM list, which was originally compiled in 2004. Current members of the TPM list do not need to reapply. Each qualified panel member will be listed by area(s) and sub-area(s) of technical expertise, for example Fisheries Resources—instream flow. The TPM list will be available to the public on the Commission's Web site. All individuals submitting their applications to the Commission for consideration must meet the Commission's qualifications.

#### Application Contents

The applicant should describe in detail his/her qualifications in items 1-4 listed below.

1. Technical expertise, including education and experience in each resource area and sub-area for which the applicant wishes to be considered:

- Aquatic Resources
  - water quality
  - instream flows
  - fish passage
  - species specialists
    1. bull trout
    2. pacific salmon
    3. Atlantic salmon and cluepeids
    4. bass
    5. lamprey
    6. sturgeon
      - macroinvertebrates
      - threatened and endangered species
      - general
- Terrestrial Resources
  - wildlife biology
  - botany
  - wetlands ecology
  - threatened and endangered species
  - general
- Cultural Resources
  - architectural history
  - archeology
  - Indian tribes
- Recreational Resources
  - whitewater boating
  - instream flows
  - general
- Land use
  - shoreline management
  - general
- Aesthetics
  - noise
  - dark sky/nighttime artificial lighting
  - aesthetic instream flows
  - general
- Geology
  - geomorphology
  - erosion

<sup>1</sup> See § 5.14 of the final rule, which may be viewed on the Commission's Web site at [http://www.access.gpo.gov/nara/cfr/waisidx\\_06/18cfr5\\_06.html](http://www.access.gpo.gov/nara/cfr/waisidx_06/18cfr5_06.html).

<sup>2</sup> These persons must not be otherwise involved with the proceeding.

<sup>3</sup> See § 5.9 of the final rule.

- general
- Socio-economics
- Engineering
  - civil engineering
  - hydrology
  - structural
  - hydraulic engineering
  - electrical engineering
  - general
- 2. Knowledge of the effects of construction and operation of hydroelectric projects.
- 3. Working knowledge of laws relevant to expertise, such as: the Fish and Wildlife Coordination Act, the Endangered Species Act, the Clean Water Act, the Coastal Zone Management Act, the Wild and Scenic Rivers Act, the Federal Power Act, or other applicable laws.
- 4. Ability to promote constructive communication about a disputed study.

#### How To Submit Applications

Applicants must submit their applications along with the names and contact information of three references. Applications will be evaluated as they are received, and each applicant will be individually notified of the Commission's decision.

**Dates:** The application period closes on February 15, 2010. Additional future application periods may be announced by the Commission as needed.

**Addresses:** Applications must be filed electronically via the Internet. See the instructions on the Commission's Web site (<http://www.ferc.gov>) under the "e-Filing" link. Applications should reference "Docket No. AD04-4-001, NOTICE REQUESTING APPLICATIONS FOR PANEL MEMBER LIST FOR HYDROPOWER LICENSING STUDY DISPUTE RESOLUTION".

**Other Information:** Requests submitted must be in Word, Times New Roman 13 pt. font, and must not be longer than ten pages in length. Complete individual contact information must be provided, as formal interviews may be conducted either face to face or via teleconference as necessary prior to establishing the TPM List.

**For Further Information Contact:** David Turner, Federal Energy Regulatory Commission, Office of Energy Projects, 888 First Street, NE., Washington, DC 20426, (202) 502-6091, [David.Turner@ferc.gov](mailto:David.Turner@ferc.gov).

**Kimberly D. Bose,**  
Secretary.

[FR Doc. E9-25871 Filed 10-27-09; 8:45 am]

BILLING CODE 6717-01-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8974-3]

### Proposed Consent Decree, Clean Air Act Citizen Suit

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

**ACTION:** Notice of proposed consent decree; request for public comment.

**SUMMARY:** In accordance with section 113(g) of the Clean Air Act, as amended ("Act"), 42 U.S.C. 7413(g), notice is hereby given of a proposed consent decree to address a lawsuit filed by the American Nurses Association, Chesapeake Bay Foundation, Inc., Conservation Law Foundation, Environment America, Environmental Defense Fund, Izaak Walton League of America, Natural Resources Council of Maine, Natural Resources Defense Council, Physicians for Social Responsibility, Sierra Club, The Ohio Environmental Council, and Waterkeeper Alliance, Inc. (collectively "Plaintiffs") in the United States District Court for the District of Columbia: *American Nurses Association, et al. v. Jackson*, No. 1:08-cv-02198 (RMC) (D. DC). On December 18, 2008, Plaintiffs filed a complaint alleging that EPA failed to perform a non-discretionary duty to promulgate final maximum achievable control technology emissions standards for hazardous air pollutants from coal- and oil-fired electric utility steam generating units ("EGUs or power plants"), pursuant to CAA section 112(d), by the statutorily-mandated deadline. Under the terms of the proposed consent decree, EPA shall, no later than March 16, 2011, sign for publication in the **Federal Register** a notice of proposed rulemaking setting forth EPA's proposed emission standards for coal- and oil-fired EGUs pursuant to CAA section 112(d). In addition, EPA shall, no later than November 16, 2011, sign for publication in the **Federal Register** a notice of final rulemaking setting forth EPA's final emission standards for coal- and oil-fired EGUs pursuant to CAA section 112(d). The proposed consent decree also provides that, no later than 5 business days after signing both the notice of proposed rulemaking and the notice of final rulemaking, EPA shall deliver such notices to the Office of the Federal Register for prompt publication.

**DATES:** Written comments on the proposed consent decree must be received by *November 27, 2009*.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA-HQ-OGC-2009-0764, online at <http://www.regulations.gov> (EPA's preferred method); by e-mail to [oei.docket@epa.gov](mailto:oei.docket@epa.gov); by mail to EPA Docket Center, Environmental Protection Agency, Mailcode: 2822T,

1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; or by hand delivery or courier to EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC, between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays. Comments on a disk or CD-ROM should be formatted in Word or ASCII file, avoiding the use of special characters and any form of encryption, and may be mailed to the mailing address above.

**FOR FURTHER INFORMATION CONTACT:** Paul Versace, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone: (202) 564-0219; fax number (202) 564-5603; e-mail address: [versace.paul@epa.gov](mailto:versace.paul@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Additional Information About the Proposed Consent Decree

This proposed consent decree would settle the complaint filed by Plaintiffs for EPA's alleged failure to promulgate final maximum achievable control technology emissions standards for hazardous air pollutants from coal- and oil-fired electric utility steam generating units ("EGUs or power plants"), pursuant to CAA section 112(d), by the statutorily mandated deadline. Under the terms of the proposed consent decree, EPA shall, no later than March 16, 2011, sign for publication in the **Federal Register** a notice of proposed rulemaking setting forth EPA's proposed emission standards for coal- and oil-fired EGUs pursuant to CAA section 112(d). In addition, EPA shall, no later than November 16, 2011, sign for publication in the **Federal Register** a notice of final rulemaking setting forth EPA's final emission standards for coal- and oil-fired EGUs pursuant to CAA section 112(d). The proposed consent decree also provides that, no later than 5 business days after signing both the notice of proposed rulemaking and the notice of final rulemaking, EPA shall deliver such notices to the Office of the Federal Register for prompt publication.

For a period of thirty (30) days following the date of publication of this notice, the Agency will accept written comments relating to the proposed consent decree from persons who were not named as parties or intervenors to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent