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*Comment Date:* 5 p.m. Eastern Time on December 21, 2009.

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

[FR Doc. E9-29279 Filed 12-8-09; 8:45 am]  
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**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Docket Nos. EL10-20-000, QF84-447-008]

**O.L.S. Energy—Camarillo; Notice of Filing**

December 2, 2009.

Take notice that on November 24, 2009, O.L.S. Energy—Camarillo (Camarillo) filed, pursuant to 18 CFR 292.205(a)(1), 292.205(c) and 385.207 (2009) of the Commission's regulations implementing the Public Utility Regulatory Policies Act, a petition for temporary waiver of the efficiency standard for its natural gas-fired topping-cycle qualifying cogeneration facility, located in Camarillo, California, for calendar years 2009 and 2010.

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. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

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.

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*Comment Date:* 5 p.m. Eastern Time on December 24, 2009.

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

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**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Docket No. EL10-10-001]

**City of Vernon, California; Notice of Filing**

December 2, 2009.

Take notice that on November 20, 2009, the City of Vernon (Vernon), filed a correction, in one component of the calculation of the Transmission Revenue Balancing Account Adjustment (TRBAA), resulting in a downward reduction in its TRBAA for 2010 from \$847,605 to \$411,764, to its October 30, 2009 filing. Vernon also requests the effective date to be January 1, 2010 as requested in its October 30, 2009 filing.

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. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

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*Comment Date:* 5 p.m. Eastern Time on December 11, 2009.

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

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**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

**Notice of Technical Conference on Commission Policy on Commencement of Accrual of Allowance for Funds Used During Construction**

December 2, 2009.

Accrual of Allowance for Funds Used During Construction .....	Docket No. AD10-3-000.
Pacific Connector Gas Pipeline, LP .....	Docket Nos. CP07-441-000.
Florida Gas Transmission Company, LLC .....	Docket No. CP09-17-000.
	Docket No. AC08-161-000.
Southern Natural Gas Company .....	Docket No. CP09-36-002.
Southeast Supply Header, LLC/Southern Natural Gas Company .....	Docket No. CP09-40-001.

Ruby Pipeline, LLC .....	Docket No. CP09-54-001.
Texas Eastern Transmission, LP .....	Docket No. CP09-68-000.

In several recent and pending cases,<sup>1</sup> the Commission has been presented with proposals to accrue Allowance for Funds Used During Construction (AFUDC) on expenditures made prior to the time that an application is filed for authorization to construct and operate a natural gas pipeline. Applicants and potential applicants have suggested that the Commission should allow the accrual of AFUDC with respect to expenses incurred prior to the filing of a certification application, particularly those costs incurred during the pre-filing period.

In establishing cost-based rates, the Commission has traditionally included only costs relating to a plant that is "used and useful" in utility operations. However, the Commission has recognized that the entities it regulates incur costs associated with the funds invested in construction projects prior to the time the facilities are placed in service (i.e., are "used and useful"), and, accordingly, has allowed entities to reflect these financing costs by accruing AFUDC. When the completed facilities are placed in service, the cost of the facilities, including the accrued AFUDC, becomes part of rate base. The entity is then able to recover the capitalized AFUDC in the same manner as other capital costs, i.e. through rates which include depreciation charges to recover the capitalized amounts over the service life of the facilities. Gas Plant Instruction 3(17) prescribes the formula for determining the maximum amount of AFUDC that may be capitalized as a component of construction costs.<sup>2</sup> The Commission has required an applicant to limit its AFUDC rate to a rate no higher than it could earn on operating assets. The Commission has limited the maximum amount of AFUDC that the pipeline could capitalize by limiting the AFUDC rate to a rate no higher than the overall rate of return underlying its recourse rates.<sup>3</sup>

Until recently, the Commission has not addressed the question of what project-related expenditures may appropriately be the subject of AFUDC

accrual. However, in 1968 the Chief Accountant issued AR-5, *Capitalization of Interest During Construction*, which among other things, provided guidance on when a natural gas pipeline company may begin accruing AFUDC on expenditures related to construction projects. AR-5 set forth two standards for beginning the accrual of AFUDC. Specifically, AR-5 states, in relevant part:

Interest during construction may be capitalized starting from the date that construction costs are continuously incurred on a planned progressive basis. Interest should not be accrued for the period of time prior to: \* \* \* the date of the application to the Commission for a certificate to construct facilities by a natural gas company. Interest accruals may be allowed by the Commission for the period prior to the above dates if so justified by the company.

Under this guidance, interest may be capitalized, i.e., AFUDC may be accrued, starting from the date (1) "construction costs are continuously incurred on a planned progressive basis," but (2) not before the date an application to construct the facilities is filed with the Commission, unless justified by the applicant.

Since the issuance of AR-5, the natural gas pipeline industry has gone through many changes. So, too, has the process for obtaining Commission authorization to construct and operate natural gas pipeline facilities. Commission staff has for several years strongly encouraged potential applicants to engage in extensive stakeholder contact, route development, facility design, and environmental study prior to filing an application. This process has the virtue of providing for early public engagement, as well as early understanding of environmental issues, stakeholder concerns, and other matters that may affect pipeline design and route selection issues. Substantial expenditures may be incurred during this period, raising the question of the continuing propriety of the Commission's current policy of limiting the accrual of AFUDC to expenditures incurred after the filing of an application. Therefore, the Commission is convening a technical conference seeking input and comment on this issue. Participants may be guided by, but should not consider themselves limited to, the following questions prepared by Commission staff.

(1) Is it appropriate to continue to use the filing date of an application for a certificate to construct facilities to

determine the expenses on which an applicant may accrue AFUDC? Under what circumstances, if any, should the Commission allow an applicant to accrue AFUDC on expenditures made before the application date?

(2) Should the Commission seek to define the term "if construction results" as used in relation to Account 183.2, i.e., when it is appropriate to clear amounts from Account 183.2 and when an applicant may appropriately begin recording expenditures in Account 107, Construction Work in Progress? If so, how should the term be defined for these purposes and what objective indicia of "construction" would be appropriate?

(3) Is "the continuous incur[ing] of construction costs on a planned progressive basis" a useful standard for designating expenses on which an entity may accrue AFUDC, and, if so, what are the indications that this standard has been met?

(4) Should there be a presumption that it is appropriate to accrue AFUDC on all expenditures recorded in Account 107?

(5) Should the date an applicant is authorized to commence the formal pre-filing process be the date as of which it should be allowed to accrue AFUDC?

a. If so, when should applicants that do not participate in the pre-filing process be allowed to begin to accrue AFUDC?

b. If so, under what circumstances, if any, should an applicant be allowed to accrue AFUDC before commencing the pre-filing process?

(6) Should the Commission allow applicants to accrue AFUDC on amounts recorded in Account 183.2? If so, under what circumstances?

(7) What other bases should the Commission consider for allowing applicants to begin accruing AFUDC?

The technical conference will be held on Tuesday, December 15, 2009, from 9 a.m. until 1 p.m., in the Commission Meeting Room, at the Commission's offices at 888 First Street, NE., Washington, DC. The conference will begin with a presentation by Commission staff, followed by discussion among the attendees. All interested parties are invited to attend, and there is no registration fee to attend the conference.

Any person interested in filing comments before the technical conference may do so, in Docket No. AD10-3-000 and also, if the comments pertain to any ongoing proceeding, in

<sup>1</sup> *Texas Eastern Transmission, LP*, 129 FERC ¶ 61,151 (2009); *Florida Gas Transmission Company, LLC*, 129 FERC ¶ 61,150 (2009); *Ruby Pipeline, LLC*, 128 FERC ¶ 61,224 (2009); *Pacific Connector Gas Pipeline, LP*, Docket Nos. CP07-441-000, CP07-442-000, and CP07-443-000; *Southern Natural Gas Company*, Docket No. CP09-36-002.

<sup>2</sup> 18 CFR part 201 (2009).

<sup>3</sup> See *Gulfstream Natural Gas System, LLC*, 91 FERC ¶ 61,119 (2000) and *Buccaneer Gas Pipeline Co., LLC*, 91 FERC ¶ 61,117 (2000).

that proceeding's docket, as well, no later than 5 p.m., December 11, 2009. Following the conference, persons may file comments, in Docket No. AD10-3-000 and also, if the comments pertain to any ongoing proceeding, in that proceeding's docket, as well, no later than 5 p.m., December 29, 2009. A person is not required to attend the conference in order to file comments.

Any person with questions about the conference may contact Scott Molony, Chief Accountant, at (202) 502-8919, or Mark Klose, Senior Accountant, at (202) 502-8283.

FERC conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an e-mail to [accessibility@ferc.gov](mailto:accessibility@ferc.gov) or call toll free (866) 208-3372 (voice) or (202) 502-8659 (TTY), or send a fax to (202) 208-2106 with the required accommodations.

**Kimberly D. Bose,**  
Secretary.

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2009-0888; FRL-8803-5]

### Design for the Environment and Factual Product Label Statement Pilot Programs for Antimicrobial Pesticide Products

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

**ACTION:** Notice.

**SUMMARY:** Two Workgroups of the Pesticide Program Dialogue Committee (PPDC) worked throughout 2009 on possible pilot programs for certain factual label statements and logos for antimicrobial pesticide products. The Workgroup included representatives from pesticide manufacturers (registrants), State pesticide regulatory agencies, U.S. Department of Agriculture Cooperative Extension Service, environmental and public advocacy groups, EPA's Office of Pesticide Programs (OPP), and others. With this notice, EPA's Office of Pesticides Programs is announcing the development of two voluntary pilot Programs.

**FOR FURTHER INFORMATION CONTACT:** Michael Hardy, Office of Pesticide Programs (7501P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-

6432; fax number: (703) 308-4776; e-mail address: [hardy.michael@epa.gov](mailto:hardy.michael@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### A. Does This Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

##### II. Background

###### A. What Action Is the Agency Taking?

OPP worked collaboratively with the PPDC Workgroup to explore the different types of statements and the design for the environment (DfE) logo on antimicrobial pesticide product labels. OPP has agreed to develop two voluntary pilot Programs. No antimicrobial registrant is required to participate in any of these pilots as they are both voluntary pilots.

The following describes the pilots, including their duration. Detailed instructions about applying for either of the pilots are available on OPP's Web site at [www.epa.gov/pesticides](http://www.epa.gov/pesticides).

1. *Factual label statement pilot program.* Increasingly, OPP has faced reviewing pesticide labels that contain purportedly factual statements that imply safety or environmental preferability of products. In each case, OPP must determine that the statements are not false or misleading before approving the label in accordance with FIFRA sections 2(q)(1)(A) and 3(c)(5)(B). This determination is rarely easy in the absence of any data on consumer perceptions of such claims. In order to increase the efficiency of such determinations, OPP and the PPDC workgroup on factual statements

attempted to identify types of factual claims that would generally not be misleading and thus could be easily reviewed and approved by OPP.

At this time, the Agency has determined that only a subset of the initially considered factual statements would be generally acceptable on antimicrobial pesticide labels. In order for OPP to approve factual statements that imply safety or environmental preferability outside of this subset, registrants should provide information demonstrating that the statement is true and that consumers and users will not infer more meaning from the statement than what can affirmatively be proven to be true.

This pilot will permit the addition of the following factual statements to antimicrobial pesticide product labels when the terms of OPP's pilot are met by registrants.

a. *Dyes and/or fragrance free statements.* OPP will permit for the purposes and duration of this pilot the following label statements to be placed on qualifying antimicrobial pesticide products: "Dye-free," "Fragrance-free," and "Dye and fragrance free." Registrants applying for this pilot must submit as part of their application the current Confidential Statement of Formula (CSF) and a draft label with the new statements. OPP will examine the CSF to verify the dye/fragrance free claim prior to granting use of the label. Upon initial pre-acceptance of the statement(s) by OPP, a final printed label must be submitted to the Agency before the labeling is stamped acceptable.

b. *Corporate commitment statements.* OPP will permit for the purposes and duration of this pilot the following label statement to be placed on qualifying antimicrobial pesticide products:

For technical assistance or information on [INSERT THE NAME OF THE COMPANY] environmental/sustainability initiatives, go to [INSERT COMPANY WEBSITE].

Registrants applying for this pilot must submit as part of their application a link to their company's website and their product's draft label with the new statement. Upon initial pre-acceptance of the statement(s) by OPP, a final printed label must be submitted to the Agency before the labeling is stamped acceptable.

The Agency has decided to allow the addition of information concerning product packaging of an antimicrobial pesticide product, such as the recycled content of the product's packaging in lieu of a pilot. The Agency examined OPP's existing Pesticide Registration Notice (PRN) 98-10 "Notifications, Non-