

GI and EI service charges/energy accounting will be netted within the hour, or in accordance with approved policies and procedures, with charges for both services allowable only when the imbalances for both are deficit rather than offsetting (note that this only applies to netting within the bandwidth).

Potential Example of an Addition Presented above:

Transmission Provider or SBA can charge customer for both GI and EI service in the same hour, but not if the imbalances offset each other.

Example of Offsetting:

- For example—Customer A
  - » GI: -10MW deficit
  - » EI service: 5MW surplus
  - » Customer A charged: 5MW (GI charge)

Example of Aggravating (increasing—absolute value)

- For example—Customer B
  - » GI Service: -10MW deficit
  - » EI service: -10MW deficit
  - » Customer A charged: -10MW for GI charge plus -10MW for EI charge

#### Legal Authority

These proposed rates for COTP, PACI, CVP transmission, Western power, and related services are being established pursuant to the DOE Organization Act (42 U.S.C. 7101-7352); the Reclamation Act of 1902 (ch. 1093, 32 Stat. 388), as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485(c)); and other acts that specifically apply to the project involved.

By Delegation Order No. 00-037.00, effective December 6, 2001, the Secretary of Energy delegated: (1) The authority to develop power and transmission rates to Western's Administrator; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary of Energy; and (3) the authority to confirm, approve, and place into effect on a final basis, to remand, or to disapprove such rates to FERC. Existing DOE procedures for public participation in power rate adjustments (10 CFR part 903) were published on September 18, 1985 (50 FR 37835).

#### Availability of Information

All brochures, studies, comments, letters, memorandums, or other documents made or kept by Western for developing the proposed rates are available for inspection and copying at the Sierra Nevada Regional Office, located at 114 Parkshore Drive, Folsom, California.

#### Ratemaking Procedure Requirements

##### *Environmental Compliance*

In compliance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321, *et seq.*), the Council on Environmental Quality Regulations for implementing NEPA (40 CFR parts 1500-1508); and DOE NEPA Implementing Procedures and Guidelines (10 CFR part 1021), Western has determined that this action is categorically excluded from further NEPA analysis.

#### Determination Under Executive Order 12866

Western has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by the Office of Management and Budget is required.

Dated: December 22, 2010.

**Timothy J. Meeks,**  
*Administrator.*

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#### ENVIRONMENTAL PROTECTION AGENCY

[FRL-9245-9]

#### Notice of Prevention of Significant Deterioration Final Determination for Russell City Energy Center

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

**ACTION:** Notice of final action.

**SUMMARY:** This notice announces that on November 18, 2010, the Environmental Appeals Board (EAB) of the EPA denied Petitions for Review of a Federal Prevention of Significant Deterioration (PSD) Permit issued to Russell City Energy Center, LLC by the Bay Area Air Quality Management District ("BAAQMD").

**DATES:** The effective date for the EAB's decision is November 18, 2010.

Pursuant to section 307(b)(1) of the Clean Air Act, 42 U.S.C. 7607(b)(1), judicial review of this permit decision, to the extent it is available, may be sought by filing a Petition for Review in the United States Court of Appeals for the Ninth Circuit on or before March 4, 2011.

**ADDRESSES:** The documents relevant to this notice are available for public inspection during normal business hours at the following address: U.S. Environmental Protection Agency, Region 9, 75 Hawthorne St., San Francisco, CA 94105. To arrange

viewing of these documents, call Shaheerah Kelly at (415) 947-4156. Due to building security procedures, please call Ms. Kelly at least 24 hours before you would like to view the documents.

**FOR FURTHER INFORMATION CONTACT:**

Shaheerah Kelly, Air Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne St., San Francisco, CA 94105. Anyone who wishes to review the EAB decision can obtain it at <http://www.epa.gov/eab/>.

**SUPPLEMENTARY INFORMATION:**

*Notification of EAB Final Decision:* The BAAQMD, acting under authority of a PSD delegation agreement dated February 4, 2008, issued a PSD permit to Russell City Energy Center, LLC, on February 3, 2010, granting approval to construct a new 600-megawatt natural gas-fired combined-cycle power plant in Hayward, California. Five petitioners filed timely Petitions for Review of the PSD decision with the EAB. The EAB issued an Order denying the Petitions for review on November 18, 2010. One petitioner filed a Motion and Supplemental Motion for Reconsideration and/or Clarification and Stay of the EAB's November 18, 2010 Order.

On December 17, 2010, the EAB issued an Order denying the Motion and Supplemental Motion for Reconsideration and/or Clarification and Stay.

Dated: December 20, 2010.

**Kerry Drake,**

*Acting Director, Air Division, Region 9.*

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#### ENVIRONMENTAL PROTECTION AGENCY

[FRL-9247-1]

#### Notice of a Regional Project Waiver of Section 1605 (Buy American) of the American Recovery and Reinvestment Act of 2009 (ARRA) to the Town of Smyrna, DE

**SUMMARY:** The EPA is hereby granting a waiver of the Buy American Requirements of ARRA Section 1605 under the authority of Section 1605(b)(2) [manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality] to the Town of Smyrna, DE ("Town"), for the purchase of GreensandPlus pressure filter media, manufactured in Brazil, for six pressure filters. This is a project specific waiver and only applies to the use of the specified product for the ARRA project being proposed. Any