

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

*Filed Date:* 05/10/2011.

*Accession Number:* 20110510-5001.

*Comment Date:* 5 p.m. Eastern Time on Tuesday, May 31, 2011.

*Docket Numbers:* ER11-3541-000.

*Applicants:* Public Service Company of Colorado.

*Description:* Public Service Company of Colorado submits tariff filing per 35.13(a)(2)(iii): 2011-5-10\_PSCo In-Kind Losses to be effective 7/1/2011.

*Filed Date:* 05/10/2011.

*Accession Number:* 20110510-5066.

*Comment Date:* 5 p.m. Eastern Time on Tuesday, May 31, 2011.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. 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. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

As it relates to any qualifying facility filings, the notices of self-certification [or self-recertification] listed above, do not institute a proceeding regarding qualifying facility status. A notice of self-certification [or self-recertification] simply provides notification that the entity making the filing has determined the facility named in the notice meets the applicable criteria to be a qualifying facility. Intervention and/or protest do not lie in dockets that are qualifying facility self-certifications or self-recertifications. Any person seeking to challenge such qualifying facility status may do so by filing a motion pursuant to 18 CFR 292.207(d)(iii). Intervention and protests may be filed in response to notices of qualifying facility dockets other than self-certifications and self-recertifications.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, 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](mailto: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**

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## 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/reg3ardt/airregulations/delegate/wv\\_delegation.htm](http://www.epa.gov/reg3ardt/airregulations/delegate/wv_delegation.htm).

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

Parts 60, 61 and 63.<sup>1</sup> In those actions EPA also delegated to West Virginia the authority to implement and enforce any future EPA NESHAP or NSPS on the condition that West Virginia legally adopt the future standards, make only allowed wording changes, and provide specified notice to EPA.

In a letter dated April 6, 2010, West Virginia informed the EPA that West Virginia had 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. 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 45 CSR 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 for under the terms of EPA's previous delegation actions, to implement and enforce the 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.

Please note that on December 19, 2008, in *Sierra Club v. EPA*,<sup>2</sup> 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 the SSM exemption as provided for in the vacated provisions at 40 CFR 63.6(f)(1) and (h)(1), even though EPA has not yet formally removed 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 also no longer allow sources to use the former SSM exemption from the General Provisions of 40 CFR Part 63 due to the Court's ruling in *Sierra Club vs. EPA*.

EPA appreciates West Virginia's continuing NESHAP and NSPS enforcement efforts, and also West Virginia's decision to take automatic delegation of additional and more recent NESHAP and NSPS by adopting them by reference.

Sincerely,  
Diana Esher,

<sup>1</sup> EPA has posted copies of these actions at: [http://www.epa.gov/reg3airtd/airregulations/delegate/wv\\_delegation.htm](http://www.epa.gov/reg3airtd/airregulations/delegate/wv_delegation.htm).

<sup>2</sup> *Sierra Club v. EPA*, 551 F.3d 1019 (DC Cir. 2008).

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 Financial 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(d), the Federal Advisory