

More information about this project, including a copy of the application, can be viewed or printed on the "eLibrary" link of the Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (P-14243-000) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: August 17, 2011.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2011-21495 Filed 8-22-11; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 4754-004]

#### **Herschel L. Webster; Revonda Amthor; Notice of Termination of Exemption by Implied Surrender and Soliciting Comments, Protests, and Motions To Intervene**

Take notice that the following hydroelectric proceeding has been initiated by the Commission:

a. *Type of Proceeding:* Termination of exemption by implied surrender.

b. *Project No.:* 4754-004.

c. *Date Initiated:* August 16, 2011.

d. *Exemptee:* Herschel L. Webster/Revonda Amthor.

e. *Name and Location of Project:* The Webster Lake Project is located on White Creek near Cleveland, in White County, Georgia.

f. *Issued Pursuant to:* 18 CFR 4.106.

g. *Exemptee Contact Information:* Mr. Herschel L. Webster, c/o Ms. Glenda Maher or Ms. Revonda Amthor, 245 Stephens Drive, Cleveland, GA 30528; phone (706) 865-4267.

h. *FERC Contact:* Diane M. Murray, (202) 502-8838, or [diane.murray@ferc.gov](mailto:diane.murray@ferc.gov).

i. Deadline for filing comments, protests, and motions to intervene is 30 days from the issuance date of this notice. All documents may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at <http://www.ferc.gov/docs-filing/efiling.asp>. The Commission strongly encourages electronic filings. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and seven copies should be sent to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Commenters

can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. Please include the project number (P-4754-004) on any documents or motions filed.

j. *Description of Existing Facilities:*

The inoperative project consists of the following existing facilities: (1) An earthfill dam approximately 339 feet long and 17 feet high with an ungated spillway about 150 feet long; (2) a reservoir of approximately 21 acres and a maximum storage capacity of approximately 171 acre-feet; (3) an approach channel approximately 1,000 feet long and 8 feet wide at the bottom; (4) a 3-foot-diameter, 355-foot-long steel penstock; (5) a powerhouse containing two generating units: Unit No. 1 consists of a 300-kW generator connected to a 190-kW turbine, and Unit No. 2 consists of a 200-kW generator connected to a 85-kW turbine; (6) a two-mile-long, 14.4-kV transmission line; and (7) appurtenant facilities.

k. *Description of Proceeding:* The exemptee is currently in violation of Standard Article 1 of its exemption granted on May 11, 1982 (19 FERC ¶62,223). Section 4.106 of the Commission's regulations, 18 CFR 4.106, provides, among other things, that the Commission reserves the right to revoke an exemption if any term or condition of the exemption is violated. The project has not operated since 1996 and has been abandoned by the exemptee. By not operating the project as proposed and authorized, the exemptee is in violation of the terms and conditions of the exemption.

On February 15, 2006, the Commission staff sent the exemptee a letter concerning the non-operating status of its project and requested information on its future plans for the project or for the surrender of the exemption. The exemptee did not file a response. On November 29, 2006, the Commission staff again sent a letter stating that the Commission may consider the failure of the exemptee to repair the project as its intent to surrender the exemption. The exemptee did not file a response.

On June 25, 2009, Commission staff required the exemptee to file a plan to address non-compliance issues within 45 days and again informed the exemptee that the Commission may consider its failure to address the non-compliance issues as its intent to surrender the exemption. The exemptee failed to respond. On April 12, 2011, Commission staff informed the

exemptee that it was in violation of the terms and conditions of the exemption. The Commission required the exemptee to show cause within 30 days why the exemption should not be revoked. The exemptee did not file a response. To date, the exemptee has failed to file the information requested by Commission staff and the project remains inoperative.

l. This notice is available for review and reproduction at the Commission in the Public Reference Room, Room 2A, 888 First Street, NE., Washington, DC 20426. The filing may also be viewed on the Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (P-4754) in the docket number field to access the notice. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, call toll-free 1-866-208-3676 or e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov). For TTY, call (202) 502-8659.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions To Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular proceeding.

o. *Filing and Service of Responsive Documents*—Any filing must: (1) Bear in all capital letters the title "COMMENTS," "PROTEST," or "MOTION TO INTERVENE," as applicable; (2) set forth in the heading the project number of the proceeding to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, protests or motions to intervene must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, protests, or motions to intervene should relate to project works, which are the subject of the termination of exemption. A copy of any protest or

motion to intervene must be served upon each representative of the exemptee specified in item g above. If an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this notice must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

p. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described proceeding. If any agency does not file comments within the time specified for filing comments, it will be presumed to have no comments.

Dated: August 17, 2011.

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

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9455-8]

### State Program Requirements; Approval of Application for Program Revision to the National Pollutant Discharge Elimination System (NPDES) Program; Alaska

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

**ACTION:** Notice.

**SUMMARY:** On August 11, 2011, the Regional Administrator for the Environmental Protection Agency, Region 10 (EPA), approved the application by the State of Alaska to revise Alaska's National Pollutant Discharge Elimination System (NPDES) program pursuant to section 402 of the Clean Water Act (CWA or "the Act"). The revised State program, called the Alaska Pollutant Discharge Elimination System (APDES), includes an implementation plan that transfers the administration of specific program components from EPA to the Alaska Department of Environmental Conservation (ADEC) in four phases. Phases I-III have been transferred from the EPA to ADEC. In March 2011, ADEC made a submission for approval for a one year extension of the transfer of Phase IV of the APDES program, which includes oil and gas, cooling water intakes and dischargers, munitions and

all other remaining facilities not previously transferred in Phases I-III. The EPA approved the one year extension for Phase IV. Phase IV will transfer to ADEC four years from the date of program approval, or October 31, 2012. Upon approval of the program revision, the Regional Administrator notified the State and signed the modified Memorandum of Agreement (MOA) between EPA and ADEC. The EPA will suspend issuance of applicable NPDES permits in Alaska in accordance with the extension for transfer of NPDES program authority for Phase IV.

**DATES:** Pursuant to 40 CFR 123.62(b), the APDES program revision was approved and became effective on August 11, 2011.

**FOR FURTHER INFORMATION CONTACT:** To obtain further information or copies of related documents, contact Hanh Shaw, Office of Water and Watersheds, U.S. Environmental Protection Agency, Region 10, 1200 6th Avenue, Suite 900, Mail Stop OWW-130, Seattle, WA 98101-3140, (206) 553-0171, [shaw.hanh@epa.gov](mailto:shaw.hanh@epa.gov) or Theresa Svancara, [theresa.svancara@alaska.gov](mailto:theresa.svancara@alaska.gov), Alaska Department of Environmental Conservation, P.O. Box 111800, 410 Willoughby Avenue, Suite 303, Juneau, AK 99811-1800, (907) 465-5257, [theresa.svancara@alaska.gov](mailto:theresa.svancara@alaska.gov). The ADEC's modified program description, the modified MOA related to the approved APDES program revision and the EPA's responses to comments can be viewed and downloaded from the EPA Web site <http://yosemite.epa.gov/r10/water.nsf/NPDES+Permits/apdes> and from the ADEC Web site <http://www.dec.state.ak.us/water/npdes/index.htm>.

**SUPPLEMENTARY INFORMATION:** Section 402 of the CWA created the NPDES program under which the EPA may issue permits for the point source discharge of pollutants to waters of the United States under conditions required by the Act. Section 402 also provides that the EPA may approve a State to administer an equivalent state NPDES program. The EPA approved the APDES program application on October 31, 2008. The APDES program application was described in the **Federal Register** (73 FR 34746) published on June 18, 2008. The approved program authorized ADEC to assume responsibility for the NPDES program in four phases over three years from the date of APDES program approval. ADEC currently has NPDES permit administration authority for Phases I-III. These three phases cover the following major components: Phase I includes domestic discharges (excluding the bio-solids program), timber harvesting, seafood processing

facilities and hatcheries; Phase II includes federal facilities, stormwater program, pretreatment program, and miscellaneous non-domestic discharges; and Phase III includes mining. The original ADEC phasing schedule authorized the transfer of Phase IV three years from APDES program approval, or October 31, 2011. Phase IV components include oil and gas, cooling water intakes and dischargers, munitions, and all other remaining facilities not previously transferred in Phases I-III.

### A. Scope of APDES Program Revision

ADEC proposed a delay of the Phase IV transfer for one year, or until October 31, 2012, by letter dated March 14, 2011. ADEC also submitted a modified APDES program description and a modified MOA related to the APDES program revision. The only changes proposed to the program description related to the one year extension for the transfer of the Phase IV program component and updating of the Phase IV permit list. The modifications incorporated the proposed one year extension of the Phase IV transfer.

The APDES program revision was described in the **Federal Register** (76 FR 28027) published on May 13, 2011. Notice of the program revision was published in two Alaska newspapers. A public comment period was held from May 13-June 27, 2011. A public hearing on the program revision was held in Anchorage, Alaska on June 13, 2011. Additionally, the EPA held government-to-government consultation teleconferences on April 26, 27 and 28, 2011 for interested tribes

### B. Public Comments

The EPA received comments concerning the APDES program revision, including comments in support of the Phase IV extension. The EPA did not receive any comments urging the EPA to disapprove the requested program revision. One commenter did not support a time extension for any greater length of time. A Tribal association suggested that the EPA consider adopting stipulations related to jurisdiction issues and authorities of federally-recognized tribal governments in Alaska. All public comments are addressed in the EPA response to comments document dated August 2011, which can be viewed and downloaded from the EPA Web site <http://yosemite.epa.gov/r10/water.nsf/NPDES+Permits/apdes>.

### C. Notice of Decision

I hereby provide public notice that the EPA has taken final action approving the APDES program revision extending