

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Project No. 2090-008]

**Green Mountain Power Corporation; Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests**

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. *Types of Application*: Amendment of License.
- b. *Project No.*: 2090-008.
- c. *Date Filed*: November 16, 2011.
- d. *Applicants*: Green Mountain Power Corporation.
- e. *Name of Projects*: Waterbury Hydroelectric Project.
- f. *Location*: Little River in Washington County, Vermont.
- g. *Filed Pursuant to*: Federal Power Act, 16 U.S.C. 791a-825r.
- h. *Applicant Contact*: Mr. Jason Lisai, Green Mountain Power Corporation, 163 Acorn Lane, Colchester, Vermont 05446. Tel: (802) 655-8723.
- i. *FERC Contact*: Mr. Vedula Sarma, (202) 502-6190, [vedula.sarma@ferc.gov](mailto:vedula.sarma@ferc.gov).
- j. *Deadline for filing comments, motions to intervene, and protests*, is 30 days from the issuance date of this notice. All documents may be filed electronically via the Internet. 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>. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and seven copies should be mailed to: 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 numbers (P-2090-008) on any comments, motions, or recommendations filed.
- k. *Description of Request*: The licensee in 2009 replaced the project's turbine runner with a more efficient runner identical in design to the original runner. The runner replacement has not changed the project's generating capacity but the hydraulic capacity of the unit increased by 14 percent from 586 cfs to 670 cfs.
- l. *Locations of the Application*: A copy of the application is available for

inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502-8371. This filing may also be viewed on the Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-(866) 208-3676 or email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), for TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the address in item (h) above.

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, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments 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 comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

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 name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the license surrender. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener 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 application 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.

Dated: December 28, 2011.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2011-33735 Filed 1-3-12; 8:45 am]

**BILLING CODE 6717-01-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-9615-7]

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

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

**ACTION**: Supplemental Notice of Proposed Consent Decree; Request for Public Comment.

**SUMMARY**: On December 2, 2011, EPA provided notice in accordance with section 113(g) of the Clean Air Act, as amended ("CAA" or the "Act"), 42 U.S.C. 7413(g), of a proposed consent decree to address a lawsuit filed by National Parks Conservation Association, Montana Environmental Information Center, Grand Canyon Trust, San Juan Citizens Alliance, Our Children's Earth Foundation, Plains Justice, Powder River Basin Resource Council, Sierra Club, and Environmental Defense Fund (collectively "Plaintiffs") in the United States District Court for the District of Columbia: *National Parks Conservation Association, et al. v. Jackson*, No. 1:11-cv-1548 (D. DC). The proposed consent decree establishes proposed and final promulgation deadlines for EPA to promulgate regional haze federal implementation plans (FIPs) or approve regional haze state implementation plans (SIPs) for 34 states, as required by section 110(c) of the CAA. In EPA's notice, we inadvertently failed to identify Arizona, Michigan, and New Mexico as states addressed by the proposed consent decree. Notice is hereby given that the proposed consent decree addresses these three states. We are extending the comment period to provide an opportunity to comment on

the proposed consent decree as it affects these three states only.

**DATES:** Written comments on the proposed consent decree as it affects Arizona, Michigan, and New Mexico must be received by *February 3, 2012*.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA-HQ-OGC-2011-0929, online at [www.regulations.gov](http://www.regulations.gov) (EPA's preferred method); by email 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:** Lea Anderson, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone: (202) 564-5571; fax number (202) 564-5603; email address: [anderson.lea@epa.gov](mailto:anderson.lea@epa.gov).

**SUPPLEMENTARY INFORMATION:**

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

Under section 110(c) of the CAA, EPA has a mandatory duty to promulgate a federal implementation plan ("FIP") within two years of a finding that a state has failed to make a required state implementation plan ("SIP") submittal. EPA is not required to promulgate a FIP, however, if the state submits the required SIP and EPA approves the plan within the two years of EPA's finding. On January 15, 2009, EPA found that 37 states, the District of Columbia, and the U.S. Virgin Islands had failed to submit CAA SIPs for improving visibility in mandatory Federal Class I areas.

The proposed consent decree would resolve a deadline suit filed by Plaintiffs for EPA to take action on a number of regional haze SIPs. The proposed consent decree would address, *inter alia*, EPA's failure to promulgate regional haze FIPs or approve regional haze SIPs for 34 of the states that the Agency found on January 15, 2009 had failed to submit SIPs addressing the requirements of the regional haze program. EPA's prior notice inadvertently excluded Arizona, Michigan, and New Mexico from the list

of the 34 states addressed by the consent decree. In addition, EPA erroneously identified California, Montana, and North Dakota as states addressed by the proposed consent decree. These states are not addressed by the proposed consent decree.

For a period of thirty (30) days following the date of publication of this supplemental notice, the Agency will accept written comments relating to the provisions in the proposed consent decree addressing Arizona, Michigan, and New Mexico from persons who were not named as parties or intervenors to the litigation in question. Other written comments on the proposed consent decree must be received by January 3, 2012. 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 with the requirements of the Act. Unless EPA or the Department of Justice determines that consent to this consent decree should be withdrawn, the terms of the proposed consent decree will be affirmed.

Additional information about commenting on the proposed consent decree can be found in the notice published on December 2, 2011.

Dated: December 23, 2011.

**Kevin McLean,**

*Acting Associate General Counsel.*

[FR Doc. 2011-33759 Filed 1-3-12; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-9615-8]

**Proposed Settlement Agreement**

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

**ACTION:** Notice of Proposed Settlement Agreement; 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 settlement agreement to address lawsuits filed by EnerNOC, Inc., EnergyConnect, Inc., CPower, Inc., and Innoventive Power, LLC ("Petitioners") in the United States Court of Appeals for the District of Columbia Circuit: *EnerNOC, et al v. EPA*, No. 10-1090 (DC Cir.) and *EnerNOC, et al v. EPA*, No. 10-1336 (DC Cir.). Petitioners filed for review of two EPA rulemakings that revised the

National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines (the RICE NESHAP). Under the terms of the proposed settlement agreement, by April 20, 2012, the Agency will sign a notice of proposed rulemaking that includes a proposal to revise the RICE NESHAP and the stationary internal combustion engine new source performance standards (ICE NSPS) to allow owners and operators of emergency stationary internal combustion engines to operate emergency stationary internal combustion engines in emergency conditions, as defined in those regulations, as part of an emergency demand response program for 60 hours per year or the minimum hours required by Independent System Operator tariff, whichever is less. The notice of proposed rulemaking may also allow for more hours of operation. In addition, under the terms of the proposed settlement agreement, by December 14, 2012, the Administrator of EPA will sign a final action on this proposal, which may include signature of a final rule by the Administrator. If EPA promulgates in final form an amendment to the RICE NESHAP and ICE NSPS that includes changes that are substantially the same substance as that set forth in the settlement agreement, then Petitioners shall promptly file a stipulation of dismissal of Nos. 10-1090 and 10-1336.

**DATES:** Written comments on the proposed settlement agreement must be received by *February 3, 2012*.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA-HQ-OGC-2011-1030, online at [www.regulations.gov](http://www.regulations.gov) (EPA's preferred method); by email 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:** Michael Horowitz, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone: (202)