

Dated: August 16, 2005.

Clay Sell,

Deputy Secretary.

Rate Schedule SNF-6 (Supersedes Schedule SNF-5)

**United States Department of Energy,  
Western Area Power Administration,  
Washoe Project, Stampede Division**

*Schedule of Rates for Non-Firm Power  
Formula Rate*

*Effective:* October 1, 2005, through September 30, 2010.

*Available:* Within the marketing area served by the Sierra Nevada Customer Service Region.

*Applicable:* To preference customers under the 2004 Power Marketing Plan and to the Sierra Pacific Power Company under the terms of Contract No. 14-SAO-00010.

*Character and Conditions of Service:* Alternating current, 60 hertz, three-phase, delivered and metered at the voltages and points established by contract.

*Non-Firm Power Formula Rate:* The formula for the floor rate, per the contract with Sierra, is equal to 85 percent of the then effective, non-time differentiated rate provided in Sierra's California Quarterly Short-Term Purchase Price Schedule for as-available purchases from qualifying facilities with capacities of 100 kW or less. This floor

rate is used to calculate the value of the SEEA and determines the benefit of Stampede power for project use loads. Western applies the ratio of projected project use costs to the projected revenue recorded in the SEEA to determine a non-reimbursable percentage. This non-reimbursable percentage is then applied to the appropriate power-related costs to determine the reimbursable costs. The reimbursable costs are reduced by the revenues from sales made at the floor rate. Under the 2004 Power Marketing Plan, the remaining reimbursable costs are then transferred to the CVP PRR.

The formula rate for Stampede power is:

$$\text{STAMPEDE ANNUAL TRANSFERRED PRR} = \text{STAMPEDE ANNUAL PRR} - \text{STAMPEDE REVENUE}$$

Where:

Stampede Annual Transferred PRR = Stampede annual costs (Power Revenue Requirement) transferred to the CVP.

Stampede Annual PRR = The total power revenue requirement for Stampede required to repay all reimbursable annual costs, including interest and the investment within the allowable period.

Stampede Revenue = Revenue generated from the floor rate and project generation.

Floor Rate = Per the contract with Sierra, is equal to 85 percent of the then effective, non-time differentiated rate provided in Sierra's California Quarterly Short-Term Purchase Price Schedule for as-available purchases from qualifying facilities with capacities of 100 kW or less.

*Billing:* Billing for the floor rate will be as specified in the service agreement.

*Adjustment for Losses:* Losses will be accounted for under this rate schedule as stated in the service agreement.

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7961-2]

### Proposed Settlement Agreement, Clean Air Act Citizen Suit

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

**ACTION:** Notice of proposed consent decree; 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 Consent Decree to address a lawsuit filed by Our Children's Earth Foundation and the Sierra Club (collectively "Plaintiffs"): *Our Children's Earth Found. et al. v. U.S. EPA*, No. C 05-00094 CW (N.D. Cal.). On or about January 6, 2005, Plaintiffs filed a complaint alleging that EPA had failed to perform a non-discretionary duty to review and, if appropriate, revise the new source performance standards ("NSPS") for petroleum refineries and equipment

leaks as required by Section 111(b) of the Clean Air Act, 42 U.S.C.

7411(b)(1)(B). Under the terms of the proposed Consent Decree, deadlines are established for EPA to review and, if appropriate, revise the NSPS standards for Subparts J, VV and GGG, 40 CFR 60.100-109, 60.480-498, 60.590-593.

**DATES:** Written comments on the proposed Consent Decree must be received by September 28, 2005.

**ADDRESSES:** Submit your comments, identified by docket ID number OGC-2005-0013, online at <http://www.epa.gov/edocket> (EPA's preferred method); by e-mail to [oei.docket@epa.gov](mailto:oei.docket@epa.gov); mailed 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 B102, 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 WordPerfect 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:** Sonja Petersen, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW.,

Washington, DC 20460, telephone: (202) 564-4079.

### SUPPLEMENTARY INFORMATION:

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

The proposed Consent Decree would resolve the deadline suit filed by Plaintiffs alleging that EPA failed to review and, if appropriate, revise the new source performance standards ("NSPS") for petroleum refineries and equipment leaks (NSPS subparts J, VV and GGG). The proposed Consent Decree establishes deadlines by which EPA must review and revise all standards in subparts J, VV, and GGG except to the extent that EPA sets forth a proposed determination that review and/or revision is not appropriate. The Consent Decree relates only to these deadlines. It does not require the Administrator to make any specific revisions to the standards.

The Consent Decree provides the following schedule for reviewing and, if appropriate, revising these subparts. EPA must: (1) Within twelve months of entry of the Consent Decree, propose any appropriate revisions to the standards in NSPS subparts VV and GGG; (2) within twenty-four months of entry of the Consent Decree, sign a final rule containing any appropriate revisions to the standards in NSPS subparts VV and GG; (3) within eighteen months of entry of the Consent Decree,

propose any appropriate revisions to the standards in NSPS subpart J; and (4) within thirty months from the date of entry of the Consent Decree, sign a final rule containing any appropriate revisions to the standards in NSPS subpart J. In addition, under the proposed Consent Decree, EPA would acknowledge that plaintiffs are eligible and entitled to recover their litigation costs in this action. On July 22, 2005, the parties filed with the Court a notice of lodging of the Consent Decree. This notice informed the Court of the Decree but noted that the Decree was not ready for entry as it is subject to the requirements of section 113(g) of the Clean Air Act.

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed Consent Decree from persons who were not named as parties or interveners to the litigation in question. 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 determine, based on any comment which may be submitted, that consent to the settlement agreement should be withdrawn, the terms of the Consent Decree will be affirmed.

## II. Additional Information About Commenting on the Proposed Consent Decree

### A. How Can I Get a Copy of the Consent Decree?

EPA has established an official public docket for this action under Docket ID No. OGC-2005-0013 which contains a copy of the Consent Decree. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OEI Docket is (202) 566-1752.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, to access the index listing the contents of

the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the appropriate docket identification number.

It is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in EPA's electronic public docket. EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

### B. How and To Whom Do I Submit Comments?

You may submit comments as provided in the **ADDRESSES** section. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment and with any disk or CD ROM you submit. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic

public docket system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment. In contrast to EPA's electronic public docket, EPA's electronic mail (e-mail) system is not an "anonymous access" system. If you send an e-mail comment directly to the Docket without going through EPA's electronic public docket, your e-mail address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

Dated: August 18, 2005.

**Richard B. Ossias,**

*Acting Associate General Counsel, Air and Radiation Law Office, Office of General Counsel.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7961-5]

### Notice of Termination of Environmental Impact Statement for the Comprehensive Port Improvement Plan Within the Port of New York and New Jersey (PONYNJ)

**AGENCY:** U.S. Environmental Protection Agency (EPA), U.S. Army Corps of Engineers (USACE), and Federal Highway Administration (FHWA) acting as Federal co-lead agencies.

**SUMMARY:** The Federal co-lead agencies, EPA, USACE, FHWA are canceling the preparation of an Environmental Impact Statement (EIS) for the Comprehensive Port Improvement Plan (CPIP-EIS) for the PONYNJ. As originally planned, the CPIP and CPIP-EIS would define economically viable and environmentally sound Port facilities and associated transportation network improvement initiatives to the year 2060; consider separate, ongoing, and planned environmental enhancements to natural resources of the Port and associated transportation network; incorporate Green Port principles to the maximum extent practicable; and evaluate, avoid, minimize, and mitigate adverse environmental effects. EPA, on behalf of all three Federal co-lead agencies, published a Notice of Intent to prepare an EIS for the CPIP in the **Federal Register** (68 FR 19207, April 18, 2003). The three federal co-lead agencies conducted several public scoping meetings in December 2003 and January 2004.