

DEPARTMENT OF STATE

[Public Notice 8443]

Presidential Permits: NOVA Chemicals Inc. Line 20 Facilities

August 21, 2013.

AGENCY: Department of State.**ACTION:** Notice of Issuance of a Presidential Permit for NOVA Chemicals Inc. Line 20 Facilities.

SUMMARY: The Department of State issued a Presidential Permit to NOVA Chemicals Inc. (“NOVA Inc.”) on August 16, 2013, authorizing NOVA Inc. to connect, operate, and maintain pipeline facilities at the border of the United States and Canada for the export of natural gas liquids from the United States to Ontario, Canada. The Line 20 facilities were constructed in 1986 and operated most recently by another entity for the transport of natural gas pursuant to a Presidential Permit issued by the Federal Energy Regulatory Commission. The Department of State determined that issuance of this permit would serve the national interest. In making this determination and issuing the permit, the Department of State complied with the procedures required under Executive Order 13337, and provided public notice and opportunity for comment.

FOR FURTHER INFORMATION CONTACT:

Office of Europe, Western Hemisphere and Africa, Bureau of Energy Resources, U.S. Department of State (ENR/EDP/EWA) 2201 C St. NW., Ste. 4843 Washington DC 20520 Attn: Michael Brennan Tel: 202-647-7553.

SUPPLEMENTARY INFORMATION:

Additional information concerning the NOVA Line 20 pipeline and documents related to the Department of State’s review of the application for a Presidential Permit can be found at <http://www.state.gov/e/enr/applicant/applicants/c54799.htm>. Following is the text of the issued permit:

Presidential Permit Authorizing NOVA Chemicals, Inc. To Connect, Operate, and Maintain Pipeline Facilities at the International Boundary Between the United States and Canada

By virtue of the authority vested in me as Deputy Secretary of State, including those authorities under Executive Order 13337, 69 FR 25299 (2004), and Department of State Delegation of Authority 245-1 of February 13, 2009; having considered the environmental effects of the proposed action consistent with the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321 et

seq.) and other statutes relating to environmental concerns; having considered the proposed action consistent with the National Historic Preservation Act (80 Stat. 917, 16 U.S.C. 470f et seq.); and having requested and received the views of members of the public and various federal agencies; I hereby grant permission, subject to the conditions herein set forth, to NOVA Chemicals, Inc. (hereinafter referred to as the “permittee”), which is incorporated in the State of Delaware, to connect, operate, and maintain pipeline facilities at the border of the United States and Canada in St. Clair County, Michigan, for the export of natural gas liquids from the United States to Canada.

The term “facilities” as used in this permit means the relevant portion of the pipeline and any land, structures, installations or equipment appurtenant thereto.

The term “United States facilities” as used in this permit means those parts of the facilities located in the United States. The United States facilities consist of approximately 1,350 feet of 12-inch diameter pipeline extending from a block valve site in St. Clair County, Michigan to the international border between the United States and Canada, as well as certain appurtenant facilities.

This permit is subject to the following conditions:

Article 1. (1) The United States facilities herein described, and all aspects of their operation, shall be subject to all the conditions, provisions, and requirements of this permit and any amendment thereof. This permit may be terminated or amended at any time at the discretion of the Secretary of State or the Secretary’s delegate or upon proper application therefor. The permittee shall make no substantial change in the United States facilities, the location of the United States facilities, or in the operation authorized by this permit until such changes have been approved by the Secretary of State or the Secretary’s delegate.

(2) The construction, connection, operation and maintenance of the United States facilities shall be in all material respects as described in the permittee’s August 7, 2012 application for a Presidential Permit (the “Application”), as amended, and the Department of State’s Finding of No Significant Impact dated January 18, 2013. In the event of any discrepancy among these documents, construction, connection, operation and maintenance of the United States facilities shall be in all material respects as described in the most recent approved document unless

otherwise determined by the Department of State.

Article 2. The standards for, and the manner of, the construction, operation, and maintenance of the United States facilities shall be subject to inspection and approval by the representatives of appropriate federal, state and local agencies. The permittee shall allow duly authorized officers and employees of such agencies free and unrestricted access to said facilities in the performance of their official duties.

Article 3. The permittee shall comply with all applicable federal, state, and local laws and regulations regarding the connection, operation, and maintenance of the United States facilities and with all applicable industrial codes. The permittee shall obtain all requisite permits from state and local government entities and relevant federal agencies.

Article 4. Connection, operation, and maintenance of the United States facilities hereunder shall be subject to the limitations, terms, and conditions issued by any competent agency of the United States Government. The permittee shall continue the operations hereby authorized and conduct maintenance in accordance with such limitations, terms, and conditions. Such limitations, terms, and conditions could address, for example, environmental protection and mitigation measures, safety requirements, export regulations, measurement capabilities and procedures, requirements pertaining to the pipeline’s capacity, and other pipeline regulations.

Article 5. The permittee shall notify the Commissioner of Customs and Border Protection immediately if it plans to inject foreign merchandise into the United States facilities, or if it plans to seek an amendment to this permit authorizing use of the United States facilities for any imports of petroleum or petroleum products into the United States.

Article 6. Upon the termination, revocation, or surrender of this permit, and unless otherwise agreed by the Secretary of State or the Secretary’s delegate, the United States facilities in the immediate vicinity of the international boundary shall be removed by and at the expense of the permittee within such time as the Secretary of State or the Secretary’s delegate may specify, and upon failure of the permittee to remove, or to take such other action with respect to, this portion of the United States facilities as ordered, the Secretary of State or the Secretary’s delegate may direct that possession of such facilities be taken and that they be removed or other action taken, at the expense of the permittee;

and the permittee shall have no claim for damages by reason of such possession, removal, or other action.

Article 7. When, in the opinion of the President of the United States, the national security of the United States demands it, due notice being given by the Secretary of State or the Secretary's delegate, the United States shall have the right to enter upon and take possession of any of the United States facilities or parts thereof; to retain possession, management, or control thereof for such length of time as may appear to the President to be necessary; and thereafter to restore possession and control to the permittee. In the event that the United States shall exercise such right, it shall pay to the permittee just and fair compensation for the use of such United States facilities upon the basis of a reasonable profit in normal conditions, and the cost of restoring said facilities to as good condition as existed at the time of entering and taking over the same, less the reasonable value of any improvements that may have been made by the United States.

Article 8. Any transfer of ownership or control of the United States facilities or any part thereof shall be immediately notified in writing to the United States Department of State, including the submission of information identifying the transferee. This permit shall remain in force subject to all the conditions, permissions and requirements of this permit and any amendments thereto unless subsequently terminated or amended by the Secretary of State or the Secretary's delegate.

Article 9. (1) The permittee is responsible for acquiring any right-of-way grants or easements, permits, and other authorizations as may become necessary and appropriate.

(2) The permittee shall save harmless and indemnify the United States from any claimed or adjudged liability arising out of construction, connection, operation, or maintenance of the facilities, including but not limited to environmental contamination from the release or threatened release or discharge of hazardous substances and hazardous waste.

(3) The permittee shall maintain the United States facilities and every part thereof in a condition of good repair for their safe operation, and in compliance with prevailing environmental standards and regulations.

Article 10. The permittee shall take all necessary measures to prevent or mitigate adverse environmental impacts or disruption of archeological resources in connection with construction, connection, operation and maintenance of the United States facilities. Such

measures will include any mitigation and control plans that are already approved or that are approved in the future by the Department of State or other relevant federal agencies, and any other measures deemed prudent by the permittee.

Article 11. The permittee shall file with the appropriate agencies of the United States Government such statements or reports under oath with respect to the United States facilities, and/or permittee's activities and operations in connection therewith, as are now or may hereafter be required under any laws or regulations of the United States Government or its agencies. The permittee shall file electronic Export Information where required.

Article 12. The permittee shall provide information upon request to the Department of State with regard to the United States facilities. Such requests could include, for example, information concerning current conditions or anticipated changes in ownership or control, construction, connection, operation, or maintenance of the U.S. facilities.

In witness whereof, I, the Deputy Secretary of State have hereunto set my hand this 16th day of August 2013, in the City of Washington, District of Columbia.

William J. Burns,

Deputy Secretary of State.

Dated: August 21, 2013.

Michael F. Brennan,

Office of Europe, Western Hemisphere and Africa, Bureau of Energy Resources, U.S. Department of State.

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BILLING CODE 4710-09-P

TENNESSEE VALLEY AUTHORITY

Dam Safety Modifications at Cherokee, Fort Loudoun, Tellico, and Watts Bar Dams

AGENCY: Tennessee Valley Authority.

ACTION: Issuance of Record of Decision.

SUMMARY: This notice is provided in accordance with the Council on Environmental Quality's regulations (40 CFR parts 1500 to 1508) and TVA's procedures for implementing the National Environmental Policy Act (NEPA). TVA has decided to adopt the preferred alternative in its final environmental impact statement (EIS) for the dam safety modifications at Cherokee, Fort Loudoun, Tellico, and Watts Bar Dams. The notice of availability (NOA) of the *Final*

Environmental Impact Statement for Dam Safety Modifications at Cherokee, Fort Loudoun, Tellico, and Watts Bar Dams was published in the **Federal Register** on May 31, 2013. This alternative, Permanent Modifications of Dam Structures: Combination of Concrete Floodwalls and Earthen Embankments, will protect the four dams against failure during the Probable Maximum Flood (PMF) event while minimizing the adverse effects to the appearance and recreational use of the dam reservations.

FOR FURTHER INFORMATION CONTACT:

Charles P. Nicholson, NEPA Compliance Manager, Tennessee Valley Authority, 400 West Summit Hill Drive, WT 11D, Knoxville, Tennessee 37902-1499; telephone 865-632-3582, or email cpnicholson@tva.gov.

SUPPLEMENTARY INFORMATION: TVA is an agency and instrumentality of the United States, established by an act of Congress in 1933, to foster the social and economic welfare of the people of the Tennessee Valley region and to promote the proper use and conservation of the region's natural resources. A fundamental part of this mission was the construction and operation of an integrated system of dams and reservoirs. As directed by the TVA Act, TVA uses this system to manage the water resources of the Tennessee River for the purposes of navigation, flood control, power production. Consistent with these purposes, TVA operates the system to provide a wide range of other benefits.

As the Federal agency responsible for the operation of numerous dams, and consistent with the Federal Guidelines for Dam Safety issued by the Federal Emergency Management Agency, TVA prepares for the worst case flooding event in order to protect against dam failure, loss of life, major property damage, and impacts to critical facilities. This worst case flooding event is known as the PMF, defined as the flood that may be expected from the most severe combination of critical meteorological and hydrological conditions that are reasonably possible in a particular area. Nuclear Regulatory Commission (NRC) nuclear plant operating regulations also require that nuclear plants be protected against the adverse effects of the PMF. TVA periodically reviews and revises its calculations of PMF elevations. During the most recent review (completed in 2008), TVA determined that the updated PMF elevations at Cherokee, Fort Loudoun, Tellico, and Watts Bar Dams, as well as at TVA's Watts Bar and