

The settlement agreement resolves among the signatories all issues associated with issuance of an original license for the project regarding construction and operation, including fish and wildlife, aquatic resources and water quality, recreation and public safety, crabbing and fishing, terrestrial resources, and cultural resources. The signatories request that the Commission: (1) Accept the Agreement as an Offer of Settlement; (2) issue an original license for a term of 35 years; and (3) incorporate in their entirety and without modification as enforceable conditions of the license, OPT's obligations under the following terms, which include specific protection, mitigation, and enhancement measures and study and adaptive management requirements: (a) Section 3.3 and Exhibit B—Adaptive Management; (b) Section 3.6—Fish or Wildlife Emergency Circumstance; (c) Section 4.2—Committees; (d) Section 4.3—Inspection, Notice and Site Visit; (e) Appendix A—Aquatic Resources and Water Quality Plan; (f) Appendix B—Recreation and Public Safety Plan; (g) Appendix C—Crabbing and Fishing Plan; (h) Appendix D—Terrestrial and Cultural Resources Plan; and (i) OPT's license application including the project description, Operations and Maintenance Plan, Spill Prevention Control and Countermeasure Plan, and Emergency Response/Recovery Plan.

1. A copy of the settlement agreement is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov>, using the "e-Library" link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

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, contact FERC Online Support.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-9191-4]

Proposed Cercla Administrative Order On Consent for the Kerber Creek Site, Saguache County, CO

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice and request for public comment.

SUMMARY: In accordance with the requirements of section 122 (i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 USC 9622(i), notice is hereby given of a proposed Administrative Order on Consent ("AOC") under sections 104, 106, 107, and 122 of CERCLA, 42 U.S.C. 9604, 9606, 9607, and 9622, between EPA and Trout Unlimited, Inc. ("Trout Unlimited") regarding the Kerber Creek Site located in the Rio Grande Basin near Villa Grove, Saguache County, Colorado. The property which is the subject of this proposed AOC is all areas to which hazardous substances and/or pollutants or contaminants, have come to be located along the approximately 17 miles of Kerber Creek stretching from the Bonanza town site, below the Forest Service boundary, and extending to the town of Villa Grove. This AOC requires that Trout Unlimited perform the following activities: Develop a watershed plan, remove tailings with elevated concentrations of metals from the streamside, perform phytostabilization, revegetate sites, stabilize stream banks, and monitor sinuosity, width, depth, density of macroinvertebrates and fishery, upland vegetation cover, stability of stream banks concentration of metals, and habitat trends, all with respect to Kerber Creek. The performance of this work shall be approved and monitored by EPA.

Opportunity for Comment: For thirty (30) days following the date of publication of this notice, the Agency will consider all comments received on the AOC and may modify or withdraw its consent to the AOC, if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at the EPA Superfund Record Center, 1595 Wynkoop Street, 2nd Floor, in Denver, Colorado.

DATES: Comments must be submitted on or before September 20, 2010.

ADDRESSES: The proposed settlement and additional background information

relating to the settlement are available for public inspection at the EPA Superfund Records Center, 1595 Wynkoop Street, 2nd Floor, in Denver, Colorado. Comments and requests for a copy of the proposed settlement should be addressed to William G. Ross, Enforcement Specialist/SEE (8ENF-RC), Technical Enforcement Program, U.S. Environmental Protection Agency, 1595 Wynkoop Street, Denver, Colorado 80202-1129, and should reference the Kerber Creek Site AOC in Saguache County, Colorado.

FOR FURTHER INFORMATION CONTACT: William G. Ross, Enforcement Specialist/SEE (8ENF-RC), Technical Enforcement Program, U.S. Environmental Protection Agency, 1595 Wynkoop Street, Denver, Colorado 80202-1129, (303) 312-6208.

Dated: August 12, 2010.

Sharon Kercher,

Acting Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice, Region 8.

[FR Doc. 2010-20580 Filed 8-18-10; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-9191-2]

Proposed Consent Decree, 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 ("CAA" or the "Act"), 42 U.S.C. 7413(g), notice is hereby given of a proposed consent decree to address a lawsuit filed by American Bottom Conservancy in the United States District Court for the Southern District of Illinois: *American Bottom Conservancy v. Jackson*, No. 10-292-GPM (S.D. IL). Plaintiff filed a deadline suit to compel the Administrator to respond to an administrative petition seeking EPA's objection to a CAA Title V operating permit issued by the Illinois Environmental Protection Agency to U.S. Steel Corporation's Granite City Works facility. Under the terms of the proposed consent decree, EPA has agreed to respond to the petition by December 17, 2010, or within 30 days of the entry date of this Consent Decree, whichever is later.

DATES: Written comments on the proposed consent decree must be received by *September 20, 2010*.

ADDRESSES: Submit your comments, identified by Docket ID number EPA–HQ–OGC–2010–0679, online at <http://www.regulations.gov> (EPA's preferred method); by e-mail to 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: Gautam Srinivasan, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone: (202) 564–5647; fax number (202) 564–5603; e-mail address: srinivasan.gautam@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Additional Information About the Proposed Consent Decree

This proposed consent decree would resolve a lawsuit alleging that the Administrator failed to perform a nondiscretionary duty to grant or deny, within 60 days of submission, an administrative petition to object to a CAA Title V permit issued by the Illinois Environmental Protection Agency to U.S. Steel Corporation's Granite City Works facility. Under the terms of the proposed consent decree, EPA has agreed to respond to the petition by December 17, 2010, or within 30 days of the entry date of this Consent Decree, whichever is later. The proposed consent decree further states that EPA shall expeditiously deliver notice of such action on the permit to the Office of the Federal Register for prompt publication and, if EPA's response contains an objection in whole or in part, transmit within 15 business days following signature the response to the Illinois Environmental Protection Agency. In addition, the proposed consent decree sets the attorneys' fees at \$3,840.00, and states that, after EPA fulfills its obligations under the decree, the case shall be dismissed with prejudice.

For a period of thirty (30) days following the date of publication of this notice, the Agency will accept written comments relating to the proposed

consent decree from persons who were not named as parties or intervenors 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 determines that consent to this consent decree should be withdrawn, the terms of the 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?

The official public docket for this action (identified by Docket ID No. EPA–HQ–OGC–2010–0679) contains a copy of the proposed 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 3334, 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 <http://www.regulations.gov>. You may use the <http://www.regulations.gov> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number then select "search".

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 online at <http://www.regulations.gov> 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 the 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.

Use of the <http://www.regulations.gov> Web site 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 <http://www.regulations.gov>, 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 13, 2010.

Richard B. Ossias,
Associate General Counsel.

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