

eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: March 13, 2012.

**Nathaniel J. Davis, Sr.,**  
Deputy Secretary.

[FR Doc. 2012-6507 Filed 3-16-12; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER12-1228-000]

#### High Majestic Wind II, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of High Majestic Wind II, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and

assumptions of liability, is April 2, 2012.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

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Dated: March 13, 2012.

**Nathaniel J. Davis, Sr.,**  
Deputy Secretary.

[FR Doc. 2012-6505 Filed 3-16-12; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[D-Phila-2012-0001; FRL-9649-2]

#### Delegation of Authority To Implement and Enforce Additional National Emission Standards for Hazardous Air Pollutants to the Philadelphia Department of Public Health's Air Management Services

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

**ACTION:** Notice of delegation of authority.

**SUMMARY:** On October 17, 2011, EPA sent the Philadelphia Department of Public Health's Air Management Services (AMS) a letter acknowledging that AMS's delegation of authority to implement and enforce National Emissions Standards for Hazardous Air Pollutants (NESHAP) had been updated, as provided for under a previously

approved delegation mechanism. EPA sent this letter in response to an AMS request for the update. To inform regulated facilities and the public of AMS's updated delegation of authority to implement and enforce NESHAP, EPA is making available a copy of EPA's letter to AMS through this notice.

**DATES:** On October 17, 2011, EPA sent AMS a letter acknowledging that AMS's delegation of authority to implement and enforce NESHAP had been updated.

**ADDRESSES:** Copies of documents pertaining to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029. Copies of AMS's submittal are also available at the Philadelphia Department of Public Health, Air Management Services, 321 University Avenue, Philadelphia, Pennsylvania 19104. Copies of AMS's request, and of EPA's response, may also be found posted on EPA Region III's Web site at: <http://www.epa.gov/reg3artd/airregulations/delegate/phdelegation.htm>.

**FOR FURTHER INFORMATION CONTACT:** Ray Chalmers, (215) 814-2061, or by email at [chalmers.ray@epa.gov](mailto:chalmers.ray@epa.gov).

**SUPPLEMENTARY INFORMATION:** On August 5, 2011, AMS requested that its delegation of authority to implement and enforce Federal NESHAP be updated to include several additional NESHAP. On October 17, 2011, EPA sent AMS a letter acknowledging that AMS's delegation of authority to implement and enforce NESHAP had been updated to include these additional NESHAP, as provided for under a previously approved delegation mechanism. All notifications, applications, reports and other correspondence required pursuant to the delegated NESHAP must be submitted to both the US EPA Region III and to AMS. A copy of EPA's letter to AMS follows:

Mr. Thomas Huynh  
Director  
Philadelphia Air Management Services  
321 University Avenue, 2nd Floor  
Philadelphia, PA 19104

Dear Mr. Huynh,  
The United States Environmental Protection Agency (EPA) has previously delegated to the Philadelphia Department of Public Health's Air Management Services (AMS) the authority to implement and enforce various federal National Emissions Standards for Hazardous Air Pollutants (NESHAP), as found at 40 CFR Part 63. (67

FR 4181, January 29, 2002.)<sup>1</sup> EPA's approval of that previous delegation included an approval of an AMS mechanism for obtaining automatic delegation of any future NESHAP regulations which AMS adopted unchanged from the Federal requirements. This mechanism is for AMS to submit a letter requesting additional delegations to EPA.

In a letter dated August 5, 2011, AMS requested "delegation by reference" to implement and enforce the following additional NESHAP for area sources as in 40 C.F.R. Part 63:

1. Subpart BBBB—Gasoline Distribution Bulk Terminal, Bulk Plant and Pipeline Facilities.

2. Subpart CCCCC—Gasoline Distribution, Gasoline Dispensing Facilities.

3. Subpart EEE—Hazardous Waste Combustors.

4. Subpart HHHHH—Paint Stripping and Miscellaneous Surface Coating.

5. Subpart OOOOO—Flexible Polyurethane Foam Fabrication and Production.

6. Subpart VVV—Publicly Owned Treatment Works (POTW).

7. Subpart WWW—Hospital Ethylene Oxide Sterilizers.

8. Subpart ZZZZ—Iron and Steel Foundries.

AMS also requested "automatic delegation" of future amendments that EPA promulgates with respect to these NESHAP.

AMS specified in its request letter that it was seeking delegation of the authority to implement and enforce these additional NESHAP and future amendments that EPA promulgates with respect to these NESHAP under its previously approved mechanism for obtaining delegation of additional NESHAP.

On January 29, 2002, EPA initially delegated to AMS the authority to implement and enforce various NESHAP as found at 40 CFR Part 63. In this action, EPA concluded that AMS had demonstrated, as required, that AMS met the general "up-front" criteria for approval which are set forth at 40 C.F.R. § 63.91(d). According to 40 C.F.R. § 63.91(d)(2), "[o]nce a State has satisfied the § 63.91(d) up-front approval requirements, it only needs to reference the previous demonstration and reaffirm that it still meets the criteria for any subsequent equivalency submittals."

In its August 5, 2011 request for delegation of additional area source NESHAP, AMS included a full new demonstration that it met the requirements of 40 CFR § 63.91(d). While a full new demonstration was not required, EPA finds that the full new demonstration meets the requirement for a reaffirmation that AMS continues to meet the up-front approval requirements of 40 CFR § 63.91(d).

EPA finds that AMS has met the requirements to be automatically delegated the authority to implement and enforce the eight additional NESHAP for area sources specified in the listing above, as well as any future amendments EPA may promulgate with respect to them. Accordingly, EPA hereby delegates to AMS the authority to

implement and enforce these eight additional NESHAP for area sources, as well as any future amendments EPA may make to them. This delegation to AMS is subject to the same terms of approval as set forth in EPA's initial January 29, 2002 delegation to AMS of the authority to implement and enforce NESHAPs as found at 40 CFR Part 63.

Please note that on December 19, 2008 in *Sierra Club vs. EPA*,<sup>2</sup> the United States Court of Appeals for the District of Columbia Circuit vacated certain provisions of the General Provisions of 40 CFR Part 63 relating to exemptions for startup, shutdown, and malfunction (SSM). On October 16, 2009, the Court issued the mandate vacating these SSM exemption provisions, which are found at 40 CFR § 63.6(f)(1) and (h)(1).

Accordingly, EPA no longer allows sources the SSM exemption as provided for in the vacated provisions at 40 CFR § 63.6(f)(1) and (h)(1), even though EPA has not yet formally removed the SSM exemption provisions from the General Provisions of 40 CFR Part 63. Because AMS incorporated 40 CFR Part 63 by reference, AMS should also no longer allow sources to use the former SSM exemption from the General Provisions of 40 CFR Part 63 due to the Court's ruling in *Sierra Club vs. EPA*.

EPA appreciates AMS's continuing NESHAP implementation and enforcement efforts, and also AMS's decision to take automatic delegation of eight additional and more recent NESHAP for area sources.

If you have any questions, please contact me or Ms. Kathleen Cox, Associate Director, Office of Permits and Air Toxics, at 215-814-2173.

Sincerely,  
Diana Esher, *Director*  
*Air Protection Division*

This notice acknowledges the update of AMS's delegation of authority to implement and enforce NESHAP.

Dated: March 6, 2012.

Diana Esher,  
*Director, Air Protection Division, Region III.*  
[FR Doc. 2012-6559 Filed 3-16-12; 8:45 am]  
**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9649-8]

### FY2012 Supplemental Funding for Brownfields Revolving Loan Fund (RLF) Grantees

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

**ACTION:** Notice of the availability of funds.

**SUMMARY:** EPA's Office of Brownfields and Land Revitalization (OBLR) plans to make available approximately \$7 million to provide supplemental funds

to Revolving Loan Fund capitalization grants previously awarded competitively under section 104(k)(3) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9604(k)(3). Brownfields Cleanup Revolving Loan Fund (BCRLF) pilots awarded under section 104(d)(1) of CERCLA that have not transitioned to section 104(k)(3) grants are not eligible to apply for these funds. EPA will consider awarding supplemental funding only to RLF grantees who have demonstrated an ability to deliver programmatic results by making at least one loan or subgrant. The award of these funds is based on the criteria described at CERCLA 104(k)(4)(A)(ii).

The Agency is now accepting requests for supplemental funding from RLF grantees. Requests for funding must be submitted to the appropriate EPA Regional Brownfields Coordinator (listed below) by April 18, 2012.

Funding requests for hazardous substances and/or petroleum funding will be accepted. Specific information on submitting a request for RLF supplemental funding is described below and additional information may be obtained by contacting the EPA Regional Brownfields Coordinator.

**DATES:** This action is effective March 19, 2012.

**ADDRESSES:** A request for supplemental funding must be in the form of a letter addressed to the appropriate Regional Brownfields Coordinator (see listing below) with a copy to Megan Quinn, [Quinn.Megan@epa.gov](mailto:Quinn.Megan@epa.gov) or U.S. EPA, 1200 Pennsylvania Ave. NW., MC: 5105T, Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Megan Quinn, U.S. EPA, (202) 566-2773 or the appropriate Brownfields Regional Coordinator.

## SUPPLEMENTARY INFORMATION:

### Background

The Small Business Liability Relief and Brownfields Revitalization Act added section 104(k) to CERCLA to authorize federal financial assistance for brownfields revitalization, including grants for assessment, cleanup and job training. Section 104(k) includes a provision for the EPA to, among other things, award grants to eligible entities to capitalize Revolving Loan Funds and to provide loans and subgrants for brownfields cleanup. Section 104(k)(4)(A)(ii) authorizes EPA to make additional grant funds available to RLF grantees for any year after the year for which the initial grant is made (noncompetitive RLF supplemental funding) taking into consideration:

<sup>1</sup> EPA has posted copies of this action at: <http://www.epa.gov/reg3airtd/airregulations/delegate/phdelegation.htm>.

<sup>2</sup> *Sierra Club v. EPA*, 551 F.3d 1019 (D.C. Cir. 2008).