

Dated: May 11, 2021.

Kimberly D. Bose,
Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3511-024]

Lower Saranac Hydro, LLC; Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

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

- a. *Type of Application:* Subsequent Minor License.
- b. *Project No.:* P-3511-024.
- c. *Date filed:* May 29, 2020.
- d. *Applicant:* Lower Saranac Hydro, LLC.
- e. *Name of Project:* Groveville Hydroelectric Project.
- f. *Location:* On Fishkill Creek, in the City of Beacon, Dutchess County, New York. The project does not occupy any federal land.
- g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)-825(r).
- h. *Applicant Contact:* Tim Carlsen, CEO, Hydroland, Inc.,¹ 403 Madison Ave. #240, Bainbridge Island, WA 98110; Phone at (844) 493-7612 or email at tim@hydrolandcorp.com.
- i. *FERC Contact:* Jeremy Feinberg at (202) 502-6893 or jeremy.feinberg@ferc.gov.

j. *Deadline for filing comments, recommendations, terms and conditions, and prescriptions:* 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file comments, recommendations, terms and conditions, and prescriptions using the Commission's eFiling system at <https://ferconline.ferc.gov/FEROnline.aspx>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. You must include your name and contact information at the end of your comments. For

assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P-3511-024.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor 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.

k. This application has been accepted and is now ready for environmental analysis.

The Council on Environmental Quality (CEQ) issued a final rule on July 15, 2020, revising the regulations under 40 CFR parts 1500-1518 that federal agencies use to implement NEPA (see Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act, 85 FR 43304). The Final Rule became effective on and applies to any NEPA process begun after September 14, 2020. An agency may also apply the regulations to ongoing activities and environmental documents begun before September 14, 2020, which includes the proposed Groveville Project. Commission staff intends to conduct its NEPA review in accordance with CEQ's new regulations.

l. The Groveville Hydroelectric Project consists of: (1) A 167-foot-long, 37-foot-high concrete gravity dam, with a 140-foot-long spillway having a crest elevation of 172.4 feet National Geodetic Vertical Datum of 1929 (NGVD29) and topped with 3-foot-high wooden flashboards; (2) an impoundment with a gross storage capacity of approximately 43 acre-feet and a surface area of 5 acres at a normal pool elevation of 175.4 feet NGVD29; (3) an intake structure with two gates and a 27-foot-high, 34-foot-wide trash rack; (4) a 9-foot-diameter, approximately 140-foot-long riveted steel underground penstock; (5) a powerhouse containing three fixed-output turbine-generator units with a

total rated capacity of 927 kilowatts; (6) a 4-foot-high submerged stilling basin weir approximately 60 feet downstream of the dam spillway; (7) a 20-foot-wide, 90-foot-long tailrace; (8) a 20-foot-long underground generator lead connecting to a step-up transformer that connects to a 13.2-kilovolt, 40-foot-long underground transmission line that then connects to a 15-foot-long aerial transmission line before connecting to the regional grid; and (9) appurtenant facilities.

Lower Saranac Hydro proposes to continue operating the project in a run-of-river mode, with no changes to the existing operation or facilities.

m. A copy of the application can be viewed on the Commission's website at <http://www.ferc.gov> using the "eLibrary" 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.

All filings must (1) bear in all capital letters the title "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (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 submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

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, contact FERC Online Support.

n. A license applicant must file no later than 60 days following the date of issuance of this notice: (1) A copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification. Please note that the certification request must comply with 40 CFR 121.5(b), including

¹ In a February 9, 2021 filing, the Commission was notified that Enel Green Power North America, Inc. transferred all its ownership interests for Lower Saranac Hydro, LLC to Hydroland, Inc.

documentation that a pre-filing meeting request was submitted to the certifying authority at least 30 days prior to submitting the certification request. Please also note that the certification request must be sent to the certifying authority and to the Commission concurrently.

o. *Procedural schedule:* The application will be processed according to the following schedule. Revisions to the schedule will be made as appropriate.

Milestone	Target date
Deadline for Filing Comments, Recommendations, and Agency Terms and Conditions/Prescriptions.	July 2021.
Deadline for Filing Reply Comments.	August 2021.

Dated: May 11, 2021.

Kimberly D. Bose,
Secretary.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-10023-79-OAR]

Availability of Data on Allocations of Cross-State Air Pollution Rule Allowances to Existing Electricity Generating Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of data availability.

SUMMARY: Under the Cross-State Air Pollution Rule (CSAPR) trading program regulations, EPA allocates emission allowances to existing electricity generating units as provided in a notice of data availability (NODA). In the Revised CSAPR Update promulgated earlier this year, EPA finalized default allocations of CSAPR NO_x Ozone Season Group 3 allowances to existing units in Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, and West Virginia from the new state emissions budgets for the control periods in 2021 and subsequent years. In the same rule, EPA also finalized a formula for determining supplemental amounts of allowances to be issued for the 12 states for the 2021 control period and a methodology for allocating each state's supplemental allowances among the state's existing units. Through this NODA, EPA is providing notice of the availability of data on the allowance allocations to

existing units from both the state emissions budgets and the supplemental allowances, as well as the data upon which the allocations are based.

FOR FURTHER INFORMATION CONTACT:

Questions concerning this notice should be addressed to Michael Cohen at (202) 343-9497 or cohen.michael@epa.gov.

SUPPLEMENTARY INFORMATION: In the Revised CSAPR Update, EPA established new emissions budgets for ozone season emissions of nitrogen oxides (NO_x) in 2021 and subsequent years for 12 eastern states and promulgated federal implementation plan (FIP) provisions requiring affected units in those states to participate in the CSAPR NO_x Ozone Season Group 3 Trading Program.¹ Beginning with the 2022 control period, each covered state generally has the option to determine how the CSAPR NO_x Ozone Season Group 3 allowances in its state emissions budget should be allocated among the state's units through a state implementation plan (SIP) revision.² However, for the 2021 control period, and by default for subsequent control periods for which a state has not provided EPA with the state's own allocations pursuant to an approved SIP revision, the unit-level allocations are determined by EPA. For units that commenced commercial operations before January 1, 2019, termed "existing" units for purposes of this trading program, EPA determined default allocations of CSAPR NO_x Ozone Season Group 3 allowances from the state emissions budgets for all control periods in the Revised CSAPR Update rulemaking. For units commencing commercial operation on or after January 1, 2019, termed "new" units for purposes of this trading program, EPA will determine the default allocations annually after each control period by applying a methodology in the regulations to data for that control period.³

To ensure that the enhanced control stringency of the Revised CSAPR Update's new state emissions budgets will apply only after the rule's effective date, for the control period in 2021 the rule provides for EPA to issue supplemental allowances for the covered states in amounts determined under a formula that accounts for the portion of the 2021 ozone season occurring before the rule's effective

date.⁴ Subsequent to the rulemaking, EPA has computed the amounts of supplemental allowances for each state according to the formula and has also determined the allocations of each state's supplemental allowances among the state's existing units. The rule does not provide for allocations of supplemental allowances to new units.

Through this NODA, EPA is providing notice of the availability of data on the unit-level allocations of CSAPR NO_x Ozone Season Group 3 allowances to existing units from both the state emissions budgets and each state's supplemental allowances. The allocations are shown in an Excel spreadsheet entitled "Updated Unit-Level Allocations and Underlying Data for the Revised CSAPR Update for the 2008 Ozone NAAQS" that has been posted on EPA's website at <https://www.epa.gov/csapr/revised-cross-state-air-pollution-rule-update>. The spreadsheet contains the default unit-level allocations of allowances from the state emissions budgets for each control period starting with 2021, the unit-level allocations of supplemental allowances for the 2021 control period, and the data used to compute the allocations. The spreadsheet is an update of an earlier version that was included in the docket for the final Revised CSAPR Update and that contained the same default allocations of allowances from the state emissions budgets but did not contain the allocations of supplemental allowances. All allocations have been determined according to the allocation methodology finalized in the Revised CSAPR Update rulemaking.⁵ EPA is not requesting comment on the allocations, the underlying data, or the allocation methodology.

In accordance with the deadlines set forth in the regulations, EPA will generally record allocations of CSAPR NO_x Ozone Season Group 3 allowances to existing units for the 2021 control period by July 29, 2021.⁶ EPA will also generally record allocations to existing units for the 2022 control period by that same date except in instances where a state has provided EPA with timely notice of the state's intent to submit a SIP revision with state-determined allowance allocations replacing EPA's default allocations for the 2022 control period.⁷ However, in the case of any source that has not yet fully complied with the Revised CSAPR Update's

⁴ See 40 CFR 97.1010(d).

¹ See Revised Cross-State Air Pollution Rule Update for the 2008 Ozone NAAQS, 86 FR 23054 (April 30, 2021).

² See 40 CFR 52.38(b)(10) through (12) as amended in the Revised CSAPR Update.

³ See 40 CFR 97.1011(b) and 97.1012.

⁵ See Allowance Allocation Under the Revised CSAPR Update Final Rule TSD, available at <https://www.epa.gov/csapr/revised-cross-state-air-pollution-rule-update>; see also 86 FR 23128-34.

⁶ See 40 CFR 97.1021(a).

⁷ See 40 CFR 97.1021(b).