

Dated: November 30, 2012.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2012–29581 Filed 12–6–12; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. EL13–27–000; QF86–613–007]

#### Western Power and Steam, Inc.; Notice of Petition for Declaratory Order

Take notice that on November 30, 2012, pursuant to section 292.205(c) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure implementing the Public Utility Regulatory Policies Act of 1978, as amended, 18 CFR 292.205(c), Western Power and Steam, Inc. (Western) filed a petition for declaratory order requesting a limited waiver, for calendar year 2012, of the qualifying facility operating and efficiency standards set forth in sections 292.205(a)(1) and 292.205 (a)(2)(i)(B) of the Commission's regulations for the topping-cycle cogeneration facility owned and operated by Western located at Bakersfield, California.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is 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.

*Comment Date:* 5:00 p.m. Eastern Time on December 31, 2012.

Dated: December 3, 2012.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2012–29578 Filed 12–6–12; 8:45 am]

**BILLING CODE 6717–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9006–4]

### Environmental Impacts Statements; Notice of Availability

*Responsible Agency:* Office of Federal Activities, General Information (202) 564–7146 or <http://www.epa.gov/compliance/nepa/>.

Weekly receipt of Environmental Impact Statements.

Filed 11/26/2012 Through 11/30/2012. Pursuant to 40 CFR 1506.9.

#### Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: <http://www.epa.gov/compliance/nepa/eisdata.html>.

*Supplementary Information:* As of October 1, 2012, EPA will not accept paper copies or CDs of EISs for filing purposes; all submissions on or after October 1, 2012 must be made through e-NEPA.

While this system eliminates the need to submit paper or CD copies to EPA to meet filing requirements, electronic submission does not change requirements for distribution of EISs for public review and comment. To begin using e-NEPA, you must first register with EPA's electronic reporting site—[https://cdx.epa.gov/epa\\_home.asp](https://cdx.epa.gov/epa_home.asp).

*EIS No. 20120374, Draft EIS, NOAA, 00, Amendment 5 to the Consolidated Atlantic Highly Migratory Species Fishery Management Plan, Atlantic Ocean, Caribbean Sea, and Gulf of Mexico, Comment Period Ends: 02/12/2013, Contact: Peter Cooper 301–427–8503. Due to an oversight, the above document should have appeared in the 11/23/2012 FR Notice.*

*EIS No. 20120375, Draft EIS, FHWA, FL, U.S. 301 (State Road 200) CR 227 to*

*CR 233, Improvements, Bradford County, FL, Comment Period Ends: 01/22/2013, Contact: Joseph Sullivan 850–553–2248.*

*EIS No. 20120376, Draft EIS, USFWS, AZ, Pima County Multi-Species Conservation Plan, Pima County, AZ, Comment Period Ends: 03/15/2013, Contact: Jeff Servoss 520–670–6150, ext. 231*

*EIS No. 20120377, Draft EIS, RUS, ND, Antelope Valley Station to Neset Transmission Project, Mercer, Dunn, Billings, Williams, McKenzie, and Mountrail Counties, ND, Comment Period Ends: 01/22/2013, Contact: Dennis Rankin 202–720–1953.*

*EIS No. 20120378, Draft EIS, USACE, OK, Eufaula Lake Shoreline Management Plan Revision and Master Plan Supplement, Pittsburg, McIntosh, Haskell, Latimer, Muskogee, and Okmulgee Counties, OK, Comment Period Ends: 01/22/2013, Contact: Jeff Knack 918–669–7666.*

#### Amended Notices

*EIS No. 20120320, Draft EIS, FTA, MN, Southwest Transitway Construction and Operation Light Rail Transit, Hennepin County, MN, Comment Period Ends: 12/31/2012, Contact: Marisol Simon 312–353–2789.*

Revision to FR Notice Published 10/12/2012; Extending Comment Period from 12/11/2012 to 12/31/2012.

Dated: December 4, 2012.

**Cliff Rader,**

*Director, NEPA Compliance Division, Office of Federal Activities.*

[FR Doc. 2012–29685 Filed 12–6–12; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL–9759–2]

### 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"), notice is hereby given of a proposed consent decree to address a lawsuit filed by Sierra Club in the United States District Court for the District of Columbia: *Sierra Club v. Jackson*, No. 1:08–cv–00424 RWR (D. DC). Sierra Club filed a complaint alleging that EPA failed to meet its obligations under section 112(e)(1)(E) of

the CAA to promulgate emission standards for hazardous air pollutant emissions from brick and structural clay products manufacturing facilities and clay ceramics manufacturing facilities located at major sources by November 15, 2000. The proposed consent decree establishes deadlines for EPA's proposed and final actions for meeting these obligations.

**DATES:** Written comments on the proposed consent decree must be received by January 7, 2013.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA-HQ-OGC-2012-0905, online at [www.regulations.gov](http://www.regulations.gov) (EPA's preferred method); by email to [oei.docket@epa.gov](mailto: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:** Scott Jordan, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone: (202) 564-7508; fax number (202) 564-5603; email address: [jordan.scott@epa.gov](mailto:jordan.scott@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

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

The proposed consent decree would resolve a lawsuit filed by Sierra Club seeking to compel EPA to promulgate emission standards for hazardous air pollutant emissions from brick and structural clay products manufacturing facilities and clay ceramics manufacturing facilities located at major sources under section 112(e)(1)(E) of the CAA. Under the proposed consent decree, EPA shall no later than August 30, 2013, sign a notice of proposed rulemaking to set national emission standards for hazardous air pollutants ("NESHAP") pursuant to section 112(d) of the CAA, 42 U.S.C. 7412(d), for brick and structural clay products manufacturing facilities and clay ceramics manufacturing facilities located at major sources. In addition, under the proposed consent decree, EPA shall no later than July 31, 2014, sign a

notice of final rulemaking to set NESHAP for the source categories covered by the proposed rule.

The proposed consent decree further requires that, within 10 business days of signing a proposed or final rule, EPA shall deliver a notice of such action to the Office of the Federal Register for publication and that once EPA fulfills its obligations under the decree it may move to have the decree terminated.

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, based on any comment submitted, 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-2012-0905) 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 [www.regulations.gov](http://www.regulations.gov). You may use [www.regulations.gov](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 on paper,

will be made available for public viewing online at [www.regulations.gov](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 email 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 [www.regulations.gov](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, email 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 (email) system is not an "anonymous access" system. If you send an email comment directly to the Docket without going

through [www.regulations.gov](http://www.regulations.gov), your email 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: November 29, 2012.

**Lorie J. Schmidt,**  
*Associate General Counsel.*

[FR Doc. 2012-29687 Filed 12-6-12; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Determination of Insufficient Assets To Satisfy Claims Against Financial Institution in Receivership

**AGENCY:** Federal Deposit Insurance Corporation (FDIC).

**ACTION:** Notice; correction.

**SUMMARY:** The FDIC has determined that insufficient assets exist in the receivership of Darby Bank and Trust Co., Vidalia, Georgia, to make any distribution on general unsecured claims, and therefore such claims will recover nothing and have no value.

**DATES:** The FDIC made its determination on November 19, 2012.

**FOR FURTHER INFORMATION CONTACT:** If you have questions regarding this notice, you may contact an FDIC Claims Agent at (904) 256-3925. Written correspondence may also be mailed to FDIC as Receiver of Darby Bank and Trust Co., Attention: Claims Agent, 8800 Baymeadows Way West, Jacksonville, FL 32256.

**SUPPLEMENTARY INFORMATION:** On November 12, 2010, Darby Bank and Trust Co., Vidalia, Georgia, (FIN #10312) was closed by the Georgia Department of Banking and Finance, and the Federal Deposit Insurance Corporation ("FDIC") was appointed as its receiver ("Receiver"). In complying with its statutory duty to resolve the institution in the method that is least costly to the deposit insurance fund (see 12 U.S.C. 1823(c)(4)), the FDIC facilitated a transaction with Ameris Bank, Moultrie, Georgia, to acquire all of the deposits and most of the assets of the failed institution.

Section 11(d)(11)(A) of the FDI Act, 12 U.S.C. 1821(d)(11)(A), sets forth the order of priority for distribution of amounts realized from the liquidation or other resolution of an insured depository institution to pay claims. Under the statutory order of priority, administrative expenses and deposit liabilities must be paid in full before any distribution may be made to general

unsecured creditors or any lower priority claims.

As of September 30, 2012, the maximum value of assets that could be available for distribution by the Receiver, together with maximum possible recoveries on professional liability claims against directors, officers, and other professionals, as well as potential tax refunds, was \$125,488,526. As of the same date, administrative expenses and depositor liabilities equaled \$173,303,177, exceeding available assets and potential recoveries by at least \$47,814,651. Accordingly, the FDIC has determined that insufficient assets exist to make any distribution on general unsecured creditor claims (and any lower priority claims) and therefore all such claims, asserted or unasserted, will recover nothing and have no value.

On November 27, 2011, the FDIC published a notice in the **Federal Register** (77 FR 70779), incorrectly reciting that the date of determination was November 11, 2012. This correction recites the actual date of determination.

Dated: November 28, 2012.

**Valerie J. Best,**  
*Assistant Executive Secretary.*

[FR Doc. 2012-29615 Filed 12-6-12; 8:45 am]

**BILLING CODE 6714-01-P**

## FEDERAL MARITIME COMMISSION

### Sunshine Act Meeting

**AGENCY HOLDING THE MEETING:** Federal Maritime Commission.

**TIME AND DATE:** December 12, 2012—10:00 a.m.

**PLACE:** 800 North Capitol Street NW., First Floor Hearing Room, Washington, DC.

**STATUS:** The meeting will be held in Open Session.

### Matters To Be Considered

1. Discussion of Licensing, Financial Responsibility Requirements, and General Duties for Ocean Transportation Intermediaries.

2. Staff Briefing and Discussion on Use of Alternative Dispute Resolution in Enforcement Proceedings.

3. Docket No. 11-22: Non-Vessel-Operating Common Carrier Negotiated Rate Arrangements; Tariff Filing Exemption.

**CONTACT PERSON FOR MORE INFORMATION:**  
Karen V. Gregory, Secretary, (202) 523-5725.

**Rachel E. Dickon,**  
*Assistant Secretary.*

[FR Doc. 2012-29747 Filed 12-5-12; 4:15 pm]

**BILLING CODE 6730-01-P**

## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than December 24, 2012.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. *The Gutttau Family consisting of Michael K. Gutttau, Judith Ann Gutttau, and the Heidi Gutttau-Fox and Joshua Gutttau Irrevocable Living Trust, Treynor, Iowa, Heidi Ann Gutttau-Fox, Minden, Iowa, and Joshua Michael Gutttau, Treynor, Iowa, as Trustees, as group acting in concert, to retain voting shares of Treynor Bancshares, Inc., and thereby indirectly retain voting shares of Treynor State Bank, both in Treynor, Iowa.*

Board of Governors of the Federal Reserve System, December 4, 2012.

**Margaret McCloskey Shanks,**  
*Deputy Secretary of the Board.*

[FR Doc. 2012-29606 Filed 12-6-12; 8:45 am]

**BILLING CODE 6210-01-P**