

representative of the applicant specified in the particular application.

Philis J. Posey,

Acting Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD07-8-000]

Review of Market Monitoring Policies; Second Notice of Technical Conference

March 9, 2007.

On January 25, 2007, the Federal Energy Regulatory Commission (Commission) announced that a conference will be held to review the Commission's general policies regarding market monitoring, on April 5, 2007, at the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426 in the Commission Meeting Room. The Commission had announced its intent to hold this conference in *PJM Interconnection, LLC., order on reh'g*, 117 FERC ¶ 61,263 (2006).

The Commission is making one change in the schedule with this notice, viz., to change the beginning of the conference from 9:30 a.m. to 9 a.m. (EDT).

All interested persons are invited to attend. There is *no* registration fee to attend.

Proactive oversight of the activities of regulated entities is a relatively recent development in the history of the Commission's utility regulation, one largely driven by the Commission's efforts to make greater use of market forces to discipline the activities of regulated entities. A significant aspect of this oversight effort has been the development of market monitoring units (MMUs) in the Commission-regulated Independent System Operators (ISOs) and Regional Transmission Organizations (RTOs), along with the establishment of independent market monitors (IMMs) of certain vertically integrated utilities as a condition of approving those utilities' mergers or acquisition of assets. In addition, almost five years ago, the Commission dedicated staff members, now located in the Office of Enforcement's Division of Energy Market Oversight (DEMO), to monitor natural gas and electricity markets. In that capacity, DEMO staff works closely with the MMUs and IMMs.

In the technical conference, the Commission would like to explore the effectiveness of MMUs and IMMs both in performing market oversight and in serving a variety of interested stakeholders. The Commission does not intend to evaluate any individual MMU or IMM or to discuss issues in any pending proceeding. Rather, the Commission would like to focus on the concepts and principles involved in market monitoring and the relationship between the market monitors and the Commission market monitoring staff, informed by the experience of the industry since the inception of market monitoring. Of course, the Commission does not go into this conference with a blank slate. To the contrary, the Commission has spoken on many occasions on the role of market monitors in generic and case-specific proceedings. The Commission also issued a policy statement in May 2005. *See Policy Statement on Market Monitoring Unit*, 111 FERC ¶ 61,267 (2005) (and citations therein). Accordingly, rather than hearing about what it has done, the Commission would like to hear about what it should do to improve its market monitoring program.

With these thoughts in mind, the technical conference will be made up of two panels, each examining the role and effectiveness of market monitors from their respective perspectives, especially as that relates to market monitoring in the RTOs and ISOs. The panelists may discuss the IMMs as well as the MMUs.

After time reserved for initial statements by the Members of the Commission starting at 9 a.m., the first panel (9:30 a.m. until 10:30 a.m.) will consist of individuals who have participated in, written about, or are otherwise informed about the development of the concept and function of market monitoring. Members of this panel will be asked to answer the following questions:

1. What is the Commission's market monitoring role in the context of ensuring the competitiveness of wholesale electricity markets?
2. How do MMUs (as a concept or function) generally serve or facilitate that role?
3. What changes, if any, in the current structure of MMUs could enhance their ability to assist the Commission in its market monitoring role?
4. Are there other industries that are subject to comparable monitoring activities, and, if so, how are these activities structured?

The next panel will be held in three parts (10:45 a.m. to 11:45 a.m., 12 noon to 1 p.m., and 2 p.m. to 3 p.m.) and will

consist of representatives from the MMUs, the ISOs or RTOs, and the various Stakeholders (including market participants, state regulators, and consumers), respectively. Members of these panels will be asked to answer the following questions:

1. MMUs' Role With Respect to FERC:

- What are the key functions of the role that MMUs have performed?
- Should these functions be changed or improved?
- What changes, if any, in the current structure of MMUs would allow them to more effectively assist the Commission in performing its market oversight activities?

2. MMUs' Role with Respect to ISOs/RTOs:

- What are the key functions of the role that MMUs have performed with respect to the operations of the ISOs/RTOs, including the operation of the transmission grid and Day 1 or Day 2 energy markets?
- Should these functions be changed or improved?
- What changes, if any, in the current structure of MMUs would allow them to more effectively assist ISOs/RTOs?

3. MMUs' Role with Respect to the various Stakeholders:

- What are the key functions of the role that MMUs have performed with respect to stakeholders?
- Should these functions be changed or improved?
- What changes, if any, in the current structure of MMUs would allow them to more effectively assist stakeholders?

Anyone interested in serving on one of these panels should contact Saida Shaalan at 202-502-8278 or by e-mail at Saida.Shaalan@ferc.gov on or before March 22, 2007. Please be advised, however, that the Commission may not be able to accommodate everyone who asks to be a panelist. Persons interested in serving on panels are therefore encouraged to coordinate their positions and choose a single panel representative. The Commission will issue a subsequent notice naming the panelists and providing further guidance on the format for presentations, which will be limited in time (probably five minutes) to provide sufficient opportunity for discussion.

As stated in the first notice issued January 25, 2007, a free webcast of this event will be available through www.ferc.gov. Anyone with Internet access who desires to view this event can do so by accessing www.ferc.gov's Calendar of Events and locating this event in the Calendar. The event will contain a link to its webcast. The Capitol Connection provides technical support for the Web casts and offers

access to the meeting via phone bridge for a fee. If you have any questions, visit <http://www.CapitolConnection.org> or contact Danelle Perkowski or David Reininger at 703-993-3100.

Transcripts of the meeting will be available immediately for a fee from Ace Reporting Company (202-347-3700 or 1-800-336-6646). They will be available for free on the Commission's eLibrary system and on the events calendar approximately one week after the meeting.

FERC conferences and meetings are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an e-mail to accessibility@ferc.gov or call toll free (866) 208-3372 (voice) or 202-502-8659 (TTY), or send a fax to 202-208-2106 with the required accommodations.

Philis J. Posey,
Acting Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Membership of Performance Review Board for Senior Executives (PRB)

March 9, 2007.

The Federal Energy Regulatory Commission hereby provides notice of the membership of its Performance Review Board (PRB) for the Commission's Senior Executive Service (SES) members. The function of this board is to make recommendations relating to the performance of senior executives in the Commission. This action is undertaken in accordance with Title 5, U.S.C. 4314(c)(4). The Commission's PRB will remove the following member: Daniel L. Larcamp.

Philis J. Posey,
Acting Secretary.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-8288-2]

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 ("Act"), 42 U.S.C. 7413(g), notice is hereby given of a proposed consent decree, to address a lawsuit filed by the Sierra Club: *Sierra Club v. The United States Environmental Protection Agency*, No. CV 06-00663 BB(LFG) (District of New Mexico). On or about July 26, 2006, Sierra Club filed a complaint alleging that EPA had failed to perform a non-discretionary duty and had unreasonably delayed publication of a final rule, known as a Federal Implementation Plan ("FIP"), regulating air emissions from the Four Corners Power Plant ("FCPP"). Under the terms of the proposed consent decree, a deadline of April 30, 2007, is established for EPA to take final action on the FIP proposed by EPA on September 12, 2006.

DATES: Written comments on the proposed consent decree must be received by *April 16, 2007*.

ADDRESSES: Submit your comments, identified by Docket ID number EPA-HQ7-OGC-2007-0194, online at <http://www.regulations.gov> (EPA's preferred method); by e-mail to oei.docket@epa.gov; mailed 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. Please provide a separate copy of your comments to the person identified in the For Further Information Contact section of this notice.

FOR FURTHER INFORMATION CONTACT:

Richard H. Vetter, c/o Cheryl Graham Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone: (919) 541-2127; fax number (919) 541-4991; email address: vetter.rick@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Additional Information About the Proposed Consent Decree

The proposed consent decree would resolve the suit filed by Sierra Club

alleging that EPA had a non-discretionary duty and had unreasonably delayed finalizing a FIP regulating air emissions from FCPP.

The background to Sierra Club's Complaint is that EPA had proposed a FIP in 1999 for FCPP, see 64 FR 48731 (September 8, 1999), but by 2006 had not taken final action on the 1999 proposed FIP. Shortly after 1999, FCPP began negotiations with EPA, Navajo Nation EPA, the National Park Service and several environmental groups (not including Sierra Club). Between 2003 and 2005, FCPP tested changes to its SO2 control devices that increased the overall control efficiency of these control devices.

EPA proposed a new FIP for FCPP on September 12, 2006 that, among other things, reflected the increase in efficiency of the SO2 control devices at the facility. 71 FR 53631. The proposed consent decree provides that on or before April 30, 2007, EPA will take final action on the FIP we proposed on September 12, 2006.

On December 14, 2006, the parties filed with the Court a notice of lodging of the proposed consent decree. The notice informed the Court of the decree but noted that the decree was not ready for entry as it is subject to the requirements of section 113(g) of the Clean Air Act.

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed consent decree from persons who were not named as parties 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 which may be submitted, that consent to the 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. EPA7-HQ-OGC-2007-0194) 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,