

Hydroelectric Station will not alter the pipeline's primary purpose. Therefore, based upon the above criteria, Commission staff preliminarily determines that the proposal satisfies the requirements for a qualifying conduit hydropower facility, which is not required to be licensed or exempted from licensing.

**Comments and Motions to Intervene:** Deadline for filing comments contesting whether the facility meets the qualifying criteria is 45 days from the issuance date of this notice.

Deadline for filing motions to intervene is 30 days from the issuance date of this notice.

Anyone may submit comments or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210 and 385.214. Any motions to intervene must be received on or before the specified deadline date for the particular proceeding.

**Filing and Service of Responsive Documents:** All filings must (1) bear in all capital letters the COMMENTS CONTESTING QUALIFICATION FOR A CONDUIT HYDROPOWER FACILITY or MOTION TO INTERVENE, as applicable; (2) state in the heading the name of the applicant and the project number of the application to which the filing responds; (3) state the name, address, and telephone number of the person filing; and (4) otherwise comply with the requirements of sections 385.2001 through 385.2005 of the Commission's regulations.<sup>1</sup> All comments contesting Commission staff's preliminary determination that the facility meets the qualifying criteria must set forth their evidentiary basis.

The Commission strongly encourages electronic filing. Please file motions to intervene and comments using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. 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](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the

Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

**Locations of Notice of Intent:** Copies of the notice of intent can be obtained directly from the applicant or such copies can be viewed and reproduced at the Commission in its Public Reference Room, Room 2A, 888 First Street NE., Washington, DC 20426. The filing may also be viewed on the web at <http://www.ferc.gov/docs-filing/elibrary.asp> using the "eLibrary" link. Enter the docket number (*i.e.*, CD17-17) in the docket number field to access the document. For assistance, call toll-free 1-866-208-3676 or email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov). For TTY, call (202) 502-8659.

Dated: August 2, 2017.

**Kimberly D. Bose,**

Secretary.

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-R09-SFUND-2017-01; FRL-9965-95-Region 9]

### MEW Superfund Area, Mountain View, CA; Notice of Proposed Settlement Agreement and Order on Consent for Certain Response Action Activities by Bona Fide Prospective Purchaser

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

**ACTION:** Notice of proposed settlement.

**SUMMARY:** This notice announces the availability for review and comment of a proposed administrative settlement agreement under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), between the U.S. Environmental Protection Agency ("EPA"), and Warmington Fairchild Associates LLC ("Warmington"), regarding the Middlefield-Ellis-Whisman (MEW) Superfund Area in Mountain View, California. Under this Settlement Agreement, Warmington agrees to perform certain response action activities at the property located at 277 Fairchild Drive and 228 and 236 Evandale Avenue, in Mountain View, California.

**DATES:** Comments must be received on or before September 8, 2017.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R09-SFUND-2017-01, to the *Federal eRulemaking Portal*: <http://www.regulations.gov>.

Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information ("CBI") or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

#### FOR FURTHER INFORMATION CONTACT:

Bethany Dreyfus, Assistant Regional Counsel, Office of Regional Counsel (ORC-3), U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105; tel: (415) 972-3886; fax: (415) 947-3570; [Dreyfus.Bethany@epa.gov](mailto:Dreyfus.Bethany@epa.gov).

**SUPPLEMENTARY INFORMATION:** Under the terms of the settlement, Warmington agrees to implement the Response Action Plan, dated June 30, 2017, intended to lower "hot spot" area trichloroethene (TCE) contaminant concentrations in the soil gas and groundwater. The Response Action Plan provides for reduction of "hot spot" contamination to reduce potential risks to human health from exposure to TCE through the subsurface vapor intrusion pathway prior to construction of residential units in those areas. Warmington agrees to pay EPA's costs for oversight of the response action activities. In exchange, Warmington will receive a covenant not to sue from the United States. EPA will consider all comments submitted by the date set forth above and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations that indicate the proposed settlement is inappropriate, improper, or inadequate.

Dated: July 28, 2017.

**Enrique Manzanilla,**

Director, Superfund Division, U.S. Environmental Protection Agency, Region 9.

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<sup>1</sup> 18 CFR 385.2001-2005 (2017).