

support efforts to protect, mitigate, and enhance fish and wildlife affected by the development and operation of the Federal Columbia River Power System in the mainstem Columbia River and its tributaries, including the Klickitat River, under the Pacific Northwest Electric Power Planning and Conservation Act of 1980 (Act) (16 U.S.C. 839b(h)(10)). Under the Act, BPA funds fish and wildlife protection, mitigation, and enhancement actions consistent with the Northwest Power and Conservation Council's (Council) Fish and Wildlife Program. Under this program, the Council makes recommendations to BPA concerning which fish and wildlife projects to fund. The Klickitat Hatchery upgrades are being reviewed by the Council for recommendation to BPA for funding.

In addition, on May 2, 2008, BPA, the Bureau of Reclamation, and the U.S. Army Corps of Engineers signed the 2008 Columbia Basin Fish Accords Memorandum of Agreement with the Three Treaty Tribes: The Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation, and the Confederated Tribes of Warm Springs Reservation. The agreement includes funding for this hatchery project, subject to compliance with NEPA and other environmental review requirements.

The proposal is also consistent with the policy direction in BPA's Fish and Wildlife Implementation Plan EIS, which calls for protecting weak stocks while sustaining overall populations of fish for their economic and cultural value, including long-term harvest opportunities.

Upgrades at the existing hatchery would include rehabilitating existing water intakes at Upper and Lower Indian Ford Springs, updating and rerouting water supply and discharge piping, refurbishing a pump station at an existing surface water intake in the Klickitat River, demolishing the existing pollution abatement pond and converting an existing fall Chinook rearing pond to a pollution abatement pond, replacing the existing adult holding and spawning building, adding circular rearing tanks, building a chemical storage shed, and renovating the existing hatchery building to improve usable space, security, and operations monitoring systems. The total disturbed area would be approximately 16 acres. In addition, BPA might also fund construction of two staff residences.

Upgrades would improve rearing conditions for spring Chinook, would provide the capacity to increase production from 600,000 spring

Chinook smolts to 800,000 smolts, and would help the spring Chinook program transition from using only hatchery-raised fish for broodstock (a "segregated" or "isolated" program) to a program that incorporates natural-origin fish in the broodstock (an "integrated" program). Currently, natural-origin spring Chinook from the Klickitat basin have higher survival rates than hatchery fish. Incorporating natural-origin fish into the broodstock is expected to increase the fitness, productivity, survival, and harvest of this species.

Upgrades to the water system would increase the operational flexibility of the facility. Adding river water to the water supply would allow operators to release smolts later in the spring when conditions in the Columbia River are more favorable to smolts migrating to the ocean. The water system upgrades also would reduce long-term maintenance and improve the quality of the hatchery effluent. Energy efficiency measures would be incorporated as possible into facility upgrade designs. BPA is not proposing to fund fish production or to take over any Mitchell Act funding for the hatchery.

BPA will be the lead agency for preparation of the EIS. Cooperating agencies in addition to NMFS may be identified as the proposed project proceeds through the NEPA process.

*Alternatives Proposed for Consideration.* In the EIS, BPA is currently considering two alternatives: To fund proposed upgrades that would improve hatchery facilities, would allow the transition to an integrated program, and would provide additional capacity for spring Chinook smolt production to increase from 600,000 to 800,000; and a no action alternative of not funding the proposal. Other reasonable alternatives identified during the scoping process may also be evaluated in the EIS.

*Public Participation and Identification of Environmental Issues.* The potential environmental issues identified so far for this project include effects of construction activity on water quality, Endangered Species Act (ESA)-listed fish, and rare and sensitive plants and wildlife; and the operational effects of changes to the water supply and discharge system on water quality. The effects of changes to the spring Chinook program that could be facilitated by the upgrades will also be evaluated, including the risk of competition between increasing numbers of naturally spawning spring Chinook and ESA-listed fish such as bull trout and steelhead; the effects of additional activities and facilities required to monitor a changed hatchery program;

and the effects of increases in harvest opportunities.

BPA has established an extended seven-week scoping period during which concerned members of the public, interest groups, state and local governments, and any other interested parties are invited to comment on the scope of the proposed EIS. Scoping will help BPA ensure that a full range of issues related to this proposal are addressed in the EIS and will help to identify significant or potentially significant impacts that may result from the proposed project.

When completed, the Draft EIS will be circulated for review and comment, and BPA will hold at least one public comment meeting to solicit comments on the Draft EIS. BPA will consider and respond in the Final EIS to comments received on the Draft EIS. BPA's subsequent decision will be documented in a Record of Decision.

Issued in Portland, Oregon, on September 28, 2017.

**Elliot E. Mainzer,**

*Administrator and Chief Executive Officer.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9968-99-OECA]

### Production of Confidential Business Information in Pending Enforcement Litigation; Transfer of Information Claimed as Confidential Business Information to the United States Department of Justice and Party to Certain Litigation

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

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency ("EPA") is providing notice of disclosure of information which has been submitted to EPA by renewable fuel producers, renewable identification number ("RIN") generators, third party engineers, obligated parties, and RIN owners that is claimed to be, or has been determined to be, confidential business information ("CBI"), in civil enforcement litigation against NGL Crude Logistics, LLC (f/k/a Gavilon, LLC) and Western Dubuque Biodiesel, LLC. Disclosure is in response to discovery requests from NGL Crude Logistics, LLC (f/k/a Gavilon, LLC) in the litigation styled *United States of America v. NGL Crude Logistics, LLC (f/k/a Gavilon, LLC) and Western Dubuque Biodiesel, LLC*, Case No. 2:16-cv-1038-

LRR, pending in the United States District Court for the Northern District of Iowa (the “NGL Litigation”). The court has entered a Stipulated Protective Order (“Protective Order”) between the United States and NGL Crude Logistics, LLC (f/k/a Gavilon, LLC) that governs the treatment of CBI, including a provision that interested third parties may seek additional protections for their CBI.

**DATES:** Access by the United States Department of Justice (“DOJ”) to material, including CBI, discussed in this Notice, is ongoing and expected to

continue during the NGL Litigation. The United States does not intend to produce documents containing CBI to NGL until after potentially impacted third parties have an opportunity to inspect the Protective Order. The inspection period will last for fourteen (14) calendar days after publication of this Notice in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Matthew Kryman, Air Enforcement Division, Office of Civil Enforcement, 1595 Wynkoop Street (8MSU), Denver, CO 80202; telephone number: 303–312–

6272; fax number: 303–312–6003; email address: [kryman.matthew@epa.gov](mailto:kryman.matthew@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Does this action apply to me?**

Entities potentially affected by this action include renewable fuel producers, RIN generators, third party engineers, obligated parties, and RIN owners who have submitted information to EPA that is claimed to be, or has been determined to be, CBI. Potentially affected categories of such entities include:

Category	NAICS <sup>1</sup> codes	SIC <sup>2</sup> codes	Examples of potentially affected entities
Industry .....	324110	2911	Petroleum Refineries.
Industry .....	325193	2869	Ethyl alcohol manufacturing.
Industry .....	325199	2869	Other basic organic chemical manufacturing.
Industry .....	424690	5169	Chemical and allied products merchant wholesalers.
Industry .....	424710	5171	Petroleum bulk stations and terminals.
Industry .....	424720	5172	Petroleum and petroleum products merchant wholesalers.
Industry .....	221210	4925	Manufactured gas production and distribution.
Industry .....	454319	5989	Other fuel dealers.

<sup>1</sup> North American Industry Classification System (NAICS).

<sup>2</sup> Standard Industrial Classification (SIC) system code.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities who may be impacted by this action. Other types of entities not listed in the table could also be impacted. If you have any questions regarding the applicability of this action, consult the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

**II. Action Description**

The United States has initiated a civil enforcement action alleging that NGL Crude Logistics, LLC (f/k/a Gavilon, LLC) and Western Dubuque Biodiesel, LLC violated Section 211(o) of the Clean Air Act and the Renewable Fuel Standard regulations issued thereunder in connection with the sale and repurchase of biodiesel and RINs in calendar year 2011. The United States settled its claims against Western Dubuque Biodiesel, LLC, and the United States District Court for the Northern District of Iowa granted the motion to enter the amended consent decree on April 11, 2017. The United States’ claims against NGL Crude Logistics, LLC (f/k/a Gavilon, LLC) are still pending. Notice is being provided, pursuant to 40 CFR 2.209(d), to inform affected businesses that EPA intends to transmit certain information, which has been submitted by renewable fuel producers, RIN generators, third party engineers, obligated parties, and RIN owners that is claimed to be, or has been determined to be, CBI, to NGL Crude

Logistics, LLC (f/k/a Gavilon, LLC) in this enforcement action. The information includes EPA communications with, and information provided by, renewable fuel producers and RIN generators in connection with petitions under 40 CFR 80.1416 and the production of renewable fuel and generation of RINs. The information also includes EPA communications with, and information provided by, obligated parties and RIN owners regarding specific RIN buys, sells, separations, and retirements. Examples of such information may include EPA registration information; information submitted to the EPA Moderated Transaction System (EMTS); EMTS RIN generation, transaction, and activity reports; documents mentioning, referring to, or discussing company fuel production activities or RIN generation activities; and non-public petition information submitted under 40 CFR 80.1416.

The treatment of this information is governed by the Protective Order entered into by the United States and NGL Crude Logistics, LLC. Interested third parties may find the Protective Order in the docket for the NGL Litigation, 2:16–cv–1038–LRR, ECF Document No. 68 (N.D. Iowa). The Protective Order governs the distribution of CBI, limits its use to the NGL Litigation, and provides for its return or destruction at the conclusion of the litigation. It also includes a provision that interested third parties

may seek additional protections for their CBI. In accordance with 40 CFR 2.209(c–(d)), DOJ must disclose such information to the extent required to comply with the discovery obligations of the United States in the NGL Litigation, including its obligations under the Protective Order.

Dated: September 25, 2017.

**Phillip A. Brooks,**

*Director, Air Enforcement Division.*

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**ENVIRONMENTAL PROTECTION AGENCY**

[EPA–HQ–OAR–2060–0275; FRL–9968–96–OAR]

**Proposed Information Collection Request; Comment Request; Regulation of Fuels and Fuel Additives: Detergent Gasoline (Renewal)**

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

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency is planning to submit an information collection request (ICR), “Regulation of Fuels and Fuel Additives: Detergent Gasoline (Renewal)” (EPA ICR No. 1655.09, OMB Control No. 2060–0275) to the Office of Management and Budget (OMB) for review and approval in accordance with