EXHIBIT
6k

List of pending NSR Rulemaking Actions
As of 07/14/10

1) **GHG PSD SIP Fix Rule:** EPA proposes to issue a SIP call for deficient States that do not have the authority to regulate GHGs as of January 2, 2011 and also propose a Federal Implementation Plan. Both proposals are scheduled for issuance in August 2010 and final action scheduled in December 2010.

2) **$PM_{2.5}$ Increments, Significant Impact Levels and Significant Monitoring Concentrations rule.** Proposed 9/21/07 (73 FR 54112). Package is under OMB review. Final action tentatively projected for August/Sept 2010.

3) **NSR Aggregation rule.** Final rule interpreting EPA's project aggregation policy was published 1/15/09 (74 FR 2376). Notice granting reconsideration was published 2/13/09 (74 FR 7193). Subsequent notice published 5/14/09 (74 FR 22693) delays the effective date for one year (until 5/1/2010). The effective date of the rule is postponed until the e litigation is resolved or reconsideration completed.

4) **Implementation of NSR Program for $PM_{2.5}$ rule.** Final rule was published on May 16, 2008 (73 FR 28321). By 4/24/09 letter from the Administrator to Earthjustice, we granted reconsideration on the second petition request (4 issues) of 2/10/09 submitted on behalf of the Sierra Club and NRDC.

4a) **Repeal of the grandfathering provision and end the use of the PM_{10} Surrogate Policy in state PSD programs** – Proposal published on 2/11/10. Final Rule anticipated September/October 2010

4b) **Rulemaking to end early the NSR transition period for Condensable Particulate Matter (CPM) –** For the final rule, we split the NSR piece from the Revised Test Methods Rulemaking and intend to coordinate publication of both rules in the same Federal Register. May not take final action on this rule.

4c) **Inter-pollutant Trading ratios –** Need to brief our AA and schedule TBD

5) **Implementing the 8-hour Ozone NAAQS: NSR Antibacksliding rule.** This rule will propose to provide the NSR anti-backsliding component responding to the South Coast decision and will complement the proposed rule (1/16/09, 74 FR 2936) for implementation of the 8-hour NAAQS. Proposal anticipated August 2010.

6) **Fugitive Emissions Reconsideration rule.** We announced the stay of the final rule in a notice published 9/30/09 (74 FR 50115). The stay is extended to March 2010. A proposal package to implement another stay of up to 18 months is under OMB review.

7) **NSR Reasonable Possibility rule.** By 4/24/09 letter from the Administrator, we granted reconsideration on the petition of 2/15/08 submitted on behalf of the State of New Jersey (and reiterated in petitioner's letter of 3/11/09). Projected reconsideration proposal by November/10.

8) **Tribal minor NSR rule.** Proposed 8/21/06 (71 FR 48696). Final action projected for February 2011.