

unless it displays a currently valid OMB Control Number. The OMB Control Numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15, and are identified on the form and/or instrument, if applicable.

**Burden Statement:** The annual public reporting and recordkeeping burden for this collection of information is estimated to average 61 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

**Respondents/Affected Entities:** Manufacturers of wet-formed fiberglass mats.

**Estimated Number of Respondents:** 14.

**Frequency of Response:** Initial, semiannual and on occasion.

**Estimated Total Annual Hour Burden:** 1,966 hours.

**Estimated Total Annual Costs:** \$158,672, which includes \$0 Capital Expense/ startup costs, \$0 Operation and Maintenance costs, and \$158,672 in Respondent Labor costs.

**Changes in the Estimates:** The decrease in labor burden to industry from the most recently approved ICR from 2,983 hours to 1,966 hours is due to the assumptions that existing sources are in compliance with the initial rule requirements and that there will be no new lines constructed over the three-year period of this ICR.

The total annualized capital and operations and maintenance costs decreased from \$2,000 to none due to the lack of capital/startup costs associated with new sources purchasing continuous emission monitoring equipment.

There was also an increase in labor rates for both industry and the Federal Government; however, it did not offset the reduction in labor burden described above.

Dated: December 5, 2005.

**Oscar Morales,**

*Director, Collection Strategies Division.*

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**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8008-9]

### Proposed Consent Decree, Clean Air Act Citizen Suit

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

**ACTION:** Notice of proposed settlement and consent order; 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 settlement, which would be entered as a consent order, to address a lawsuit filed by South Jersey Environmental Justice Alliance ("SJEJA"), New Jersey Public Interest Research Group, South Camden Citizens in Action, and New Jersey Environmental Federation (collectively the "plaintiffs"): *SJEJA v. Johnson*, 05-6891 (RJH) (S.D.N.Y.). On or about August 2, 2005, the plaintiffs filed a complaint alleging that they had submitted a petition to EPA seeking an objection to a Clean Air Act Title V permit issued by the New Jersey Department of Environmental Protection to Camden County Energy Recovery Associates for its facility in Camden, New Jersey, and that the Administrator had failed to perform his nondiscretionary duty to respond to the petition within sixty days of the date it was filed. Under the terms of the proposed settlement and consent order, EPA has agreed to respond to the petition by January 20, 2006, and the plaintiffs have agreed to dismiss their suit with prejudice shortly thereafter. In addition, EPA has agreed to pay the plaintiffs a specified amount in settlement of the plaintiffs' claims for attorneys' fees in this matter.

**DATES:** Written comments on the proposed settlement and consent order must be received by January 17, 2006.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA-HQ-OGC-2005-0472, online at <http://www.regulations.gov> (EPA's preferred method); by e-mail to

[oei.docket@epa.gov](mailto: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 B102, 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 Wordperfect 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:

Amy Huang Branning, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone: (202) 564-1744; fax number (202) 564-5603; e-mail address: [branning.amy@epa.gov](mailto:branning.amy@epa.gov).

#### SUPPLEMENTARY INFORMATION:

#### I. Additional Information About the Proposed Settlement and Consent Order

This proposed settlement and consent order would resolve a lawsuit seeking a response to a petition to object to a Title V permit issued by the New Jersey Department of Environmental Protection to Camden County Energy Recovery Associates for its facility in Camden, New Jersey (permit II-2005-01). Under the proposed settlement, if neither EPA nor the Department of Justice withdraws its consent to the proposed settlement following the thirty (30)-day comment period provided in this Notice, the plaintiffs and EPA have agreed to jointly ask that the Court enter this settlement as a consent order. The consent order, if entered, would require that the Administrator issue a response to the petition by January 20, 2006 and that the plaintiffs dismiss their lawsuit ten (10) days after the Administrator provides notice of its Order in the **Federal Register**. The consent order would also require that EPA pay the plaintiffs a specified amount in settlement of their claims for attorneys' fees. The proposed settlement and consent order do not require the Administrator to respond to the petition in any particular way.

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 settlement and consent order 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 settlement and consent order 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 determine, based on any comment which may be submitted, that consent to this proposed settlement and consent order should be withdrawn, the terms of the proposed consent order will be affirmed.

## II. Additional Information About Commenting on the Proposed Settlement and Consent Order

### A. How Can I Get a Copy of the Proposed Settlement?

Direct your comments to the official public docket for this action under Docket ID No. EPA-HQ-OGC-2005-0472 which contains a copy of the proposed settlement. 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 B102, 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 <http://www.regulations.gov>. You may use the <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, select "search," then key in the appropriate docket identification number.

It is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing online at <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 e-mail 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 <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, e-mail 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 (e-mail) system is not an "anonymous access" system. If you send an e-mail comment directly to the Docket without going through <http://www.regulations.gov>, your e-mail 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: December 8, 2005.

**Richard B. Ossias,**

*Associate General Counsel.*

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**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2003-0195]; FRL-7751-1]

### Pesticide Product; Registration Approval

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

**ACTION:** Notice.

**SUMMARY:** This notice announces Agency approval of an application to register the pesticide products Topramezone Technical and Topramezone SC Herbicide containing an active ingredient not included in any previously registered product pursuant to the provisions of section 3(c)(5) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

**FOR FURTHER INFORMATION CONTACT:** Joanne I. Miller, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: 703-305-6224; and e-mail address: [miller.joanne@epa.gov](mailto:miller.joanne@epa.gov).

### SUPPLEMENTARY INFORMATION:

#### I. General Information

##### A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111)
- Animal production (NAICS code 112)
- Food manufacturing (NAICS code 311)
- Pesticide manufacturing (NAICS code 32532)

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

##### B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number