

### What Is the Next Step in the Process for This ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: July 23, 2009.

**Suzanne E. Schwartz,**

*Acting Director, Office of Wetlands, Oceans, and Watersheds.*

[FR Doc. E9-18391 Filed 7-30-09; 8:45 am]

**BILLING CODE 6560-50-P**

### ENVIRONMENTAL PROTECTION AGENCY

[FRL-8938-1]

#### Agreement and Covenant Not To Sue

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice and request for public comment.

**SUMMARY:** As required by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601, *et seq.*, as amended ("CERCLA"), notice is hereby given that an Agreement and Covenant Not to Sue ("Agreement") is proposed by the United States, on behalf of the Environmental Protection Agency ("EPA"), and the Redevelopment Agency of Salt Lake City ("Settling Respondent") for a portion of the Utah Power and Light/American Barrel Superfund Site located in Salt Lake County, Utah ("Site") which Settling Respondent is proposing to purchase ("the Property").

The Site was listed on the National Priorities List in 1989. Historical operations on the Site, including a coal gasification plant, pole treating (creosote), railroad operations, and industrial barrel reclamation and storage resulted in the release of various types of hazardous substances into Site soils and shallow groundwater.

During the 1990s, Utah Power and Light Company ("UP&L") undertook certain response actions at the Site, including the Property, in order to implement the Record of Decision issued by EPA for the Site. Specific

response actions undertaken by UP&L associated with the Property included excavation, and removal of soils impacted by organic compounds (tar) and lead down to a depth of 15 feet. Construction completion was achieved in 1996 for the Site. EPA has conducted two five-year reviews in 2001 and 2006. The response action for the Site was and continues to be protective of human health and the environment. Active groundwater remediation efforts (soil vapor extraction) have been completed and shallow groundwater contamination is currently being addressed through monitored natural attenuation.

This Agreement requires the Settling Respondent to place an environmental covenant with use and activity restrictions on the Property and to pay the United States \$30,000 for future oversight of the environmental covenant. In addition, the Settling Respondent will seek, to the maximum extent practicable, to have future developers incorporate the Environmentally Responsible Redevelopment and Reuse ("ER3") components listed in Appendix D of the Agreement in future development of the Property.

**DATES:** Comments should be received by August 31, 2009. The Agency will consider all comments received on the proposed Agreement and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper or inadequate. The Agency's response to any comments received will be available for public inspection at the EPA Superfund Record Center, 1595 Wynkoop Street, 3rd Floor, in Denver, Colorado.

**ADDRESSES:** The proposed settlement and additional background information relating to the settlement are available for public inspection at the EPA Superfund Records Center, 1595 Wynkoop Street, 3rd Floor, in Denver, Colorado. Comments and requests for a copy of the proposed settlement should be addressed to Sharon Abendschan, Enforcement Specialist (8ENF-RC), Technical Enforcement Program, U.S. Environmental Protection Agency, 1595 Wynkoop Street, Denver, Colorado, 80202-2466, (303) 312-6957, and should reference the Utah Power and Light proposed Agreement.

**FOR FURTHER INFORMATION CONTACT:** Richard Sisk, Legal Enforcement Attorney (ENF-L), Legal Enforcement Program, U.S. Environmental Protection Agency, 1595 Wynkoop Street, Denver, Colorado 80202-2466, (303) 312-6638.

*It is so agreed:*

Dated: July 22, 2009.

**Eddie A. Sierra,**

*Acting Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice, Region 8.*

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### ENVIRONMENTAL PROTECTION AGENCY

[FRL-8934-6]

#### Office of Research and Development; Ambient Air Monitoring Reference and Equivalent Methods: Designation of One New Reference Method and Two New Equivalent Methods

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of the designation of one new reference method and two new equivalent methods for monitoring ambient air quality.

**SUMMARY:** Notice is hereby given that the Environmental Protection Agency (EPA) has designated, in accordance with 40 CFR Part 53, one new reference method for measuring concentrations of oxides of nitrogen (NO<sub>x</sub>) in the ambient air and two new equivalent methods, one for measuring concentrations of ozone (O<sub>3</sub>) in the ambient air and one for measuring concentrations of sulfur dioxide (SO<sub>2</sub>) in the ambient air.

**FOR FURTHER INFORMATION CONTACT:** Surender Kaushik, Human Exposure and Atmospheric Sciences Division (MD-D205-03), National Exposure Research Laboratory, U.S. EPA, Research Triangle Park, North Carolina 27711. Phone: (919) 541-5691, e-mail: [Kaushik.Surender@epa.gov](mailto:Kaushik.Surender@epa.gov).

**SUPPLEMENTARY INFORMATION:** In accordance with regulations at 40 CFR Part 53, the EPA evaluates various methods for monitoring the concentrations of those ambient air pollutants for which EPA has established National Ambient Air Quality Standards (NAAQSs) as set forth in 40 CFR Part 50. Monitoring methods that are determined to meet specific requirements for adequacy are designated by the EPA as either reference methods or equivalent methods (as applicable), thereby permitting their use under 40 CFR Part 58 by States and other agencies for determining compliance with the NAAQSs.

The EPA hereby announces the designation of one new reference method for measuring NO<sub>x</sub> in the ambient air and two new equivalent methods, one for measuring

concentrations of O<sub>3</sub> in the ambient air and one for measuring SO<sub>2</sub> in the ambient air. These designations are made under the provisions of 40 CFR Part 53, as amended on December 18, 2006 (71 FR 61271).

The new reference method for NO<sub>x</sub> is an automated method (analyzer) utilizing the measurement principle based on gas phase chemiluminescence and the calibration procedure specified in Appendix F of 40 CFR part 50. This newly designated reference method is identified as follows:

RFNA-0809-186, "Ecotech Serinus 40 Oxides of Nitrogen Analyzer", operated in the range of 0-0.5 ppm, with a five-micron Teflon® filter element installed, and with the following selected: Control Loop-Enabled, Diagnostic Mode-Operate, Pres/Temp/Flow Compensation-Enabled, Span Compensation-Disabled, with concentration automatically corrected for temperature and pressure changes, and operated according to the Serinus 40 Oxides of Nitrogen Analyzer User Manual.

The new equivalent method for O<sub>3</sub> is an automated method that utilizes a measurement principle based on non-dispersive ultraviolet absorption photometry. The newly designated equivalent method for O<sub>3</sub> is identified as follows:

EQOA-0809-187, "Ecotech Serinus 10 Ozone Analyzer", operated in the range of 0-0.5 ppm, with a five-micron Teflon® filter element installed, and with the following selected: Control Loop-Enabled, Diagnostic Mode-Operate, Pres/Temp/Flow Compensation-Enabled, Span Compensation-Disabled, with concentration automatically corrected for temperature and pressure changes, and operated according to the Serinus 10 Ozone Analyzer User Manual.

The new equivalent method for SO<sub>2</sub> is an automated method (analyzer) that utilizes a measurement principle based on ultraviolet fluorescence. The newly designated equivalent method for SO<sub>2</sub> is identified as follows:

EQSA-0809-188, "Ecotech Serinus 50 Sulfur Dioxide Analyzer", operated in the range of 0-0.5 ppm, with a five-micron Teflon® filter element installed, and with the following selected: Background-Enabled, Control Loop-Enabled, Diagnostic Mode-Operate, Pres/Temp/Flow Compensation-Enabled, Span Compensation-Disabled, with concentration automatically corrected for temperature and pressure changes, and operated according to the Serinus 50 Sulfur Dioxide Analyzer User Manual.

Applications for the reference method and equivalent method determinations for these candidate methods were received by the EPA on March 19, 2008, April 22, 2009 and June 22, 2009, respectively. The monitors are commercially available from the applicant, Ecotech Pty. Ltd., 1492

Ferntree Gully Road, Knoxfield, Victoria, 3180, Australia.

Test analyzers representative of these methods have been tested in accordance with the applicable test procedures specified in 40 CFR Part 53 (as amended on December 18, 2006). After reviewing the results of those tests and other information submitted by the applicant in the respective applications, EPA has determined, in accordance with Part 53, that these methods should be designated as a reference or equivalent method, as appropriate. The information submitted by the applicant in the respective applications will be kept on file, either at EPA's National Exposure Research Laboratory, Research Triangle Park, North Carolina 27711 or in an approved archive storage facility, and will be available for inspection (with advance notice) to the extent consistent with 40 CFR Part 2 (EPA's regulations implementing the Freedom of Information Act).

As designated reference or equivalent methods, these methods are acceptable for use by states and other air monitoring agencies under the requirements of 40 CFR Part 58, Ambient Air Quality Surveillance. For such purposes, each method must be used in strict accordance with the operation or instruction manual associated with the method and subject to any specifications and limitations (e.g., configuration or operational settings) specified in the applicable designated method description (see the identifications of the methods above).

Use of the method should also be in general accordance with the guidance and recommendations of applicable sections of the "Quality Assurance Handbook for Air Pollution Measurement Systems, Volume I," EPA/600/R-94/038a and "Quality Assurance Handbook for Air Pollution Measurement Systems, Volume II, Ambient Air Quality Monitoring Program" EPA-454/B-08-003, December, 2008 (available at <http://www.epa.gov/ttn/amtic/qabook.html>). Vendor modifications of a designated equivalent method used for purposes of Part 58 are permitted only with prior approval of the EPA, as provided in Part 53. Provisions concerning modification of such methods by users are specified under Section 2.8 (Modifications of Methods by Users) of Appendix C to 40 CFR Part 58.

In general, a method designation applies to any sampler or analyzer which is identical to the sampler or analyzer described in the application for designation. In some cases, similar samplers or analyzers manufactured prior to the designation may be

upgraded or converted (e.g., by minor modification or by substitution of the approved operation or instruction manual) so as to be identical to the designated method and thus achieve designated status. The manufacturer should be consulted to determine the feasibility of such upgrading or conversion.

Part 53 requires that sellers of designated reference or equivalent method analyzers or samplers comply with certain conditions. These conditions are specified in 40 CFR 53.9.

Aside from occasional breakdowns or malfunctions, consistent or repeated noncompliance with any of these conditions should be reported to: Director, Human Exposure and Atmospheric Sciences Division (MD-E205-01), National Exposure Research Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

Designation of these new reference and equivalent methods is intended to assist the States in establishing and operating their air quality surveillance systems under 40 CFR Part 58. Questions concerning the commercial availability or technical aspects of the method should be directed to the applicant.

**Jewel F. Morris,**

*Acting Director, National Exposure Research Laboratory.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8934-8; Docket ID No. EPA-HQ-ORD-2007-0517]

### Draft Integrated Science Assessment for Particulate Matter

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of public comment period.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA) is announcing the availability of the second external review draft of a document titled, "Second External Review Draft Integrated Science Assessment for Particulate Matter" (EPA/600/R-08/139B and EPA/600/R-08/139BA). The document was prepared by the National Center for Environmental Assessment (NCEA) within EPA's Office of Research and Development as part of the review of the national ambient air quality standards (NAAQS) for particulate matter.