

August 30, 1999, and small MWC units commencing reconstruction or modification after June 6, 2001, that combust greater than 35 tons per day (tpd) but less than 250 tpd of municipal solid waste. This information collection is required as a result of the implementation of the New Source Performance Standards developed under the authority of sections 111 and 129 of the Clean Air Act. The regulations require initial notifications, performance tests, and periodic reports. Owners or operators also are required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility or any period during which the monitoring system is inoperative. Owners and operators of small MWCs are required to measure, record, and report emission rates and operating parameters, follow good combustion practices, and submit a siting analysis. Owners or operators subject to these regulations are required to maintain records of measurements and reports for at least five years.

**Burden Statement:** The annual public reporting and recordkeeping burden for this collection of information is estimated to average 1,108 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 which have subsequently changed; 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:** Small Municipal Waste Combustors.

**Estimated Number of Respondents:** 2.

**Frequency of Response:** Initially, semiannually, annually, and on occasion.

**Estimated Total Annual Hour Burden:** 9,975.

**Estimated Total Annual Cost:** \$1,087,204, which includes \$938,068 in labor costs, \$66,000 in capital/start-up costs, and operation and maintenance costs of \$83,136.

**Changes in the Estimates:** The adjustment decrease in burden from the most recently approved ICR is an

adjustment due to a decrease in the number of respondents, from three to two.

Dated: September 26, 2009.

**John Moses,**

*Director, Collection Strategies Division.*

[FR Doc. E9-23692 Filed 9-30-09; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[A-1-FRL-8964-3]

### Notice of Prevention of Significant Deterioration; Final Determination for Dominion Energy Brayton Point, Somerset, MA

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

**ACTION:** Notice of final action.

**SUMMARY:** This notice announces that on May 13, 2009, the Environmental Appeals Board ("EAB") of EPA denied review of the petition for review of a Prevention of Significant Deterioration ("PSD") permit ("Permit") that EPA New England issued to Dominion Energy Brayton Point, LLC ("Dominion"). The Permit was issued pursuant to the PSD regulations under 40 CFR 52.21.

**DATES:** The effective date of the EAB's decision, and the Permit, is May 13, 2009. Pursuant to Section 307(b)(1) of the Clean Air Act ("CAA"), 42 U.S.C. 7607(b)(1), judicial review of this permit decision, to the extent it is available, may be sought by filing a petition for review in the United States Court of Appeals for the First Circuit within November 30, 2009.

**ADDRESSES:** The relevant documents for the Permit are available for public inspection during normal business hours at the following address: U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Boston, MA 02114-2023. To arrange viewing of these documents, contact Donald Dahl at (617) 918-1657 or [dahl.donald@epa.gov](mailto:dahl.donald@epa.gov). The Permit is also available at <http://www.epa.gov/NE/communities/pdf/braytonpoint/CoolingTowerPermit.pdf>.

#### FOR FURTHER INFORMATION CONTACT:

Donald Dahl, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 1100 (mail code CAP), Boston, MA 02114-2023.

#### SUPPLEMENTARY INFORMATION:

Throughout this document, "we," "us" and "our" refer to EPA.

I. What Action Is EPA Taking?  
II. What Is the Background Information?  
III. What Did the EAB Decide?

### I. What Action Is EPA Taking?

We are notifying the public of a final decision by the EAB on the Permit issued by EPA New England pursuant to the PSD regulations found at 40 CFR 52.21.

### II. What Is the Background Information?

Dominion operates an existing coal-fired electric generating station in Somerset, Massachusetts. In March 2003, Massachusetts ended its agreement with EPA to implement the PSD program. Based on this action and since Massachusetts did not subsequently request PSD delegation, EPA is currently the PSD permitting authority within Massachusetts.

Dominion submitted a PSD application to EPA New England requesting approval to construct and operate two new cooling water towers at its facility in Somerset, Massachusetts. After consideration of the PSD application, EPA New England issued the draft Permit on January 28, 2009, for public review and comment. On April 2, 2009, after providing an opportunity for public comment and a public hearing on March 2, 2009, EPA issued the final Permit. The Permit limits particulate matter of 10 microns or less in size and particulate matter of 2.5 microns or less in size from each cooling water towers to 1,066 pounds per day. Subsequent to the issuance of the revised Permit, the EAB received a petition requesting review of the Permit. The EAB denied review of the petition.

### III. What Did the EAB Decide?

The petition, which was filed by Bristol County Broadcasting, Incorporated, argued that the cooling water towers would have a significant adverse affect on the petitioner's AM radio transmissions. The EAB denied review of this petition on two points. First, the petition did not challenge any provision of the Permit governing air emissions of regulated pollutants. Second, the petitioner did not participate in the permitting process during the public comment period for the Permit. Readers interested in more detail on the appeal issues raised by the petitioner and the reasons for the EAB's denial of review may download EAB's Order Denying Review from the EAB Web site at <http://www.epa.gov/eab>.

Pursuant to 40 CFR 124.19(f)(1), for purposes of judicial review, final agency action occurs when a final PSD permit is issued and agency review procedures

are exhausted. This notice is being published pursuant to 40 CFR 124.19(f)(2), which requires notice of any final agency action regarding a PSD permit to be published in the **Federal Register**. This notice constitutes notice of the final agency action denying review of the revised Permit and, consequently, notice of EPA New England's issuance of the Permit (PSD Permit No. 052-120-MA14) to Dominion. If available, judicial review of these determinations under section 307(b)(1) of the CAA may be sought only by the filing of a petition for review in the United States Court of Appeals for the First Circuit, within 60 days from the date on which this notice is published in the **Federal Register**. Under section 307(b)(2) of the CAA, this determination shall not be subject to later judicial review in any civil or criminal proceedings for enforcement.

Dated: August 5, 2009.

**Ira W. Leighton,**

*Acting Regional Administrator, EPA New England.*

[FR Doc. E9-23634 Filed 9-30-09; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8964-5]

### Proposed Administrative Cost Recovery Agreement Pursuant to Section 122(h)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) for the Merrill Meyers Site, Wells County, IN

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

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

**SUMMARY:** In accordance with Section 122(i) of CERCLA, 42 U.S.C. 9622(i), notification is hereby given of a proposed administrative settlement agreement regarding partial recovery of costs incurred by EPA in implementing a removal action at the Merrill Meyers [sic] Site, Petroleum, in Wells County, Indiana. EPA proposes to enter into this agreement under the authority of Sections 107 and 122(h) of CERCLA, 42 U.S.C. 9607 and 9622(h). The proposed agreement has been executed by Merrill A. and Janice A. Myers, residing in Petroleum, Indiana. Under the proposed agreement, the Myers will pay \$174,706.67 to reimburse the Superfund for part of the \$228,831.93 in costs incurred by EPA in implementing the removal action. For thirty days

following the date of publication of this notice, EPA will receive written comments relating to the proposed agreement. EPA will consider all comments received and may decide not to enter into the proposed agreement if comments disclose facts or considerations which indicate that the agreement is inappropriate, improper or inadequate.

**DATES:** Comments on the proposed agreement must be received by EPA on or before November 2, 2009.

**ADDRESSES:** Comments should be addressed to the Docket Clerk, U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, and should refer to: In the Matter of Merrill Meyers Site, EPA Docket No. V-W-09-C-936.

#### FOR FURTHER INFORMATION CONTACT:

Cathleen R. Martwick, Associate Regional Counsel, by mail at: U.S. Environmental Protection Agency, Office of Regional Counsel (C-14J), 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, or by phone at: (312) 886-7166. A copy of the proposed administrative settlement agreement may be obtained in person or by mail from the EPA's Region 5 Office of Regional Counsel, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590. Additional background information relating to the settlement is available for review at the EPA's Region 5 Office of Regional Counsel.

**Authority:** The Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9601-9675.

Dated: September 18, 2009.

**Douglas Ballotti,**

*Acting Director, Superfund Division, Region 5.*

[FR Doc. E9-23689 Filed 9-30-09; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8957-8]

### Proposed CERCLA Administrative Cost Recovery Settlement; Dutch Boy Site, Chicago, IL

**AGENCY:** Environmental Protection Agency.

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

**SUMMARY:** In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), 42 U.S.C. 9622(i),

notice is hereby given of a proposed administrative settlement for recovery of past response costs concerning the Dutch Boy Site in Chicago, Illinois with the following settling party: NL Industries, Inc. The settlement requires the settling party to reimburse the EPA Hazardous Substance Superfund \$165,709.61. The settlement includes a covenant not to sue the settling party pursuant to Section 107(a) of CERCLA, 42 U.S.C. 9607(a). For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received 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 Record Center, Room 714, EPA, 77 West Jackson Boulevard, Chicago, Illinois 60604 and the Chicago Public Library, Pullman Branch, 11001 South Indiana Avenue, Chicago, Illinois 60628.

**DATES:** Comments must be submitted to EPA on or before November 2, 2009.

**ADDRESSES:** The proposed settlement is available for public inspection at the EPA Record Center, Room 714, 77 West Jackson Boulevard, Chicago, Illinois 60604 and the Chicago Public Library, Pullman Branch, 11001 South Indiana Avenue, Chicago, Illinois 60628. A copy of the proposed settlement may be obtained from the EPA Record Center, Room 714, EPA, 77 West Jackson Boulevard, Chicago, Illinois 60604 or by calling (312) 353-5821. Comments should reference the Dutch Boy Site located in Chicago, Illinois and should be addressed to Christine Liszewski, EPA, Office of Regional Counsel (C-14J), 77 West Jackson Boulevard, Chicago, Illinois 60604 or [liszewski.christine@epa.gov](mailto:liszewski.christine@epa.gov).

#### FOR FURTHER INFORMATION CONTACT:

Christine Liszewski, EPA, Office of Regional Counsel (C-14J) at 77 West Jackson Boulevard, Chicago, IL 60604 or at (312) 886-4670 or via e-mail at [liszewski.christine@epa.gov](mailto:liszewski.christine@epa.gov).

Dated: September 3, 2009.

**Richard C. Karl,**

*Director, Superfund Division, Region 5, U.S. Environmental Protection Agency.*

[FR Doc. E9-23690 Filed 9-30-09; 8:45 am]

**BILLING CODE 6560-50-P**