

this guidance document may include the following:

- Past generators, current owners, and custodians of elemental mercury;
- Recyclers of mercury bearing materials, wastes, and products (e.g., companies that recover dental amalgam);
- Major industrial generators of mercury, including the minerals mining industry (especially gold), chlor-alkali (chlorine and caustic soda production) industry, and electrical lighting (e.g., fluorescent lamp) industry;
- Private and government contractors managing stockpiled mercury;
- Shippers of elemental mercury;
- State and Federal regulatory agencies (e.g., EPA); and
- Future operators of an elemental mercury storage facility (or facilities) for DOE.

As required by the Act, this Interim Guidance outlines existing requirements and standards and applicable procedures for the receipt (including acceptance criteria and packaging/transfer/transport requirements), management, and long-term storage of elemental mercury by DOE.

Issued in Washington, DC, on November 9, 2009.

Frank Marcinowski,

Acting Deputy Assistant Secretary for Technical and Regulatory Support, Office of Environmental Management.

[FR Doc. E9-27395 Filed 11-13-09; 8:45 am]

BILLING CODE 6450-01-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-8981-3]

Good Neighbor Environmental Board

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Good Neighbor Environmental Board (GNEB) will hold a public teleconference on December 1, 2009 from 1 p.m. to 3 p.m. Eastern Standard Time. The meeting is open to the public. For further information regarding the teleconference and background materials, please contact Dolores Wesson at the number listed below.

Background: GNEB is a federal advisory committee chartered under the Federal Advisory Committee Act, Public Law 92463. GNEB provides advice and recommendations to the President and Congress on environmental and

infrastructure issues along the U.S. border with Mexico. *Purpose of Meeting:* The purpose of this teleconference is to discuss and approve the Good Neighbor Environmental Board's draft advice letter to the President on the environmental effects of the U.S.-Mexico border fence and associated infrastructure. The Board will also continue discussion on the Thirteenth Report to the President.

SUPPLEMENTARY INFORMATION: If you wish to make oral comments or submit written comments to the Board, please contact Dolores Wesson at least five days prior to the meeting.

General Information: Additional information concerning the GNEB can be found on its Web site at <http://www.epa.gov/ocem/gneb>.

Meeting Access: For information on access or services for individuals with disabilities, please contact Dolores Wesson at (202) 564-1351 or e-mail her at: wesson.dolores@epa.gov. To request accommodation of a disability, please contact Dolores Wesson at least 10 days prior to the meeting to give EPA as much time as possible to process your request.

Dated: November 3, 2009.

Dolores Wesson,

Designated Federal Officer.

[FR Doc. E9-27417 Filed 11-13-09; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-8981-2]

Proposed Consent Decree, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed consent decree; 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 consent decree, to address a lawsuit filed by Sierra Club and Valley Watch, Inc. (collectively "Plaintiffs") in the United States District Court for the District of Columbia: *Sierra Club, et al. v. Jackson*, No. 1:09-cv-00312 (D.D.C). Plaintiffs filed suit to compel the Administrator to respond to two administrative petitions seeking EPA's objection to a combined CAA Title V operating permit and Prevention of Significant Deterioration permit No. V-07-017 issued by the Kentucky Department of Environmental Protection for the proposed Cash Creek Generating Station in Cash Creek,

Kentucky. Under the terms of the proposed consent decree, EPA has agreed to respond to the petitions by December 14, 2009.

DATES: Written comments on the proposed consent decree must be received by *December 16, 2009*.

ADDRESSES: Submit your comments, identified by Docket ID number EPA-HQ-OGC-2009-0671, online at <http://www.regulations.gov> (EPA's preferred method); by e-mail to oei.docket@epa.gov; by mail 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 3334, 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 Word 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:

Mark Kataoka, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; *telephone:* (202) 564-5584; *fax number* (202) 564-5603; *e-mail address:* kataoka.mark@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Additional Information About the Proposed Consent Decree

This proposed consent decree would resolve a lawsuit alleging that the Administrator failed to perform a nondiscretionary duty to grant or deny, within 60 days of submission, two administrative petitions to object to the combined CAA Title V permit and Prevention of Significant Deterioration permit No. V-07-017 issued by the Kentucky Department of Environmental Protection for the proposed Cash Creek Generating Station in Cash Creek, Kentucky. Under the terms of the proposed consent decree, EPA has agreed to respond to the petitions by December 14, 2009, or within 3 days after entry of the consent decree, whichever date is later. In addition, the proposed consent decree states that, after EPA fulfills its obligations under the decree, and the Plaintiffs' claims for costs of litigation have been resolved pursuant to the process described in the decree, the case shall be dismissed with prejudice.

For a period of thirty (30) days following the date of publication of this notice, the Agency will accept written

comments relating to the proposed consent decree 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 consent decree 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 determines, based on any comment submitted, that consent to this consent decree should be withdrawn, the terms of the decree will be affirmed.

II. Additional Information About Commenting on the Proposed Consent Decree

A. How Can I Get a Copy of the Consent Decree?

The official public docket for this action (identified by Docket ID No. EPA-HQ-OGC-2009-0671) contains a copy of the proposed consent decree. 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 3334, 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, key in the appropriate docket identification number then select "search".

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: November 5, 2009.

Richard B. Ossias,

Associate General Counsel.

[FR Doc. E9-27415 Filed 11-13-09; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-8981-5]

Proposed Consent Decree

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed consent decree; 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 consent decree to address a lawsuit filed by the Environmental Integrity Project and Sierra Club (collectively "Plaintiffs") in the United States District Court for the District of Columbia: *Environmental Integrity Project, et al. v. EPA, No. 1:09-CV-00218 (D. D.C.)*. On or about February 4, 2009, Plaintiffs filed a deadline suit alleging that EPA failed to perform a non-discretionary duty to review, and if appropriate revise, 40 CFR part 60, subpart G, New Source Performance Standards for Nitric Acid Plants. Under the terms of the proposed consent decree, on or before November 15, 2010, EPA will sign and submit for publication in the **Federal Register** one or a combination of the following: (a) A proposed rule containing revisions to NSPS Subpart G pursuant to CAA 111(b)(1)(B); and/or (b) a proposed and/or final determination under CAA 111(b)(1)(B) not to revise NSPS Subpart G. If EPA signs a proposed rule or proposed determination, then on or before November 15, 2011, EPA will sign and submit for publication in the **Federal Register**, one or a combination of the following: (a) A final rule containing revisions to NSPS Subpart G pursuant to CAA 111(b)(1)(B); and/or (b) a final determination under CAA 111(b)(1)(B) not to revise NSPS Subpart G.

DATES: Written comments on the proposed consent decree must be received by *December 16, 2009*.

ADDRESSES: Submit your comments, identified by Docket ID number EPA-HQ-OGC-2009-0854, online at <http://www.regulations.gov> (EPA's preferred method); by e-mail to

oei.docket@epa.gov; by mail 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 3334, 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-