

**ACTION:** Notice of final order on petitions to object to a state operating permit.

**SUMMARY:** Pursuant to Clean Air Act (CAA) Section 505(b)(2) and 40 CFR 70.8(d), the EPA Administrator signed an Order, dated December 15, 2009, granting in part and denying in part petitions to object to a merged prevention of significant deterioration (PSD) and title V operating permit issued by the Kentucky Division for Air Quality (KDAQ) to Cash Creek Generation, LLC for its Cash Creek Generating Station located near Owensboro in Henderson County, Kentucky. This Order constitutes a final action on parts of the petitions submitted by Sierra Club and Valley Watch (Petitioners) on January 31, 2008, and February 13, 2008, respectively. Pursuant to sections 307(b) and 505(b)(2) of the CAA, a petition for judicial review of those parts of the Order that deny issues in the petition may be filed in the United States Court of Appeals for the appropriate circuit within 60 days from the date this notice appears in the **Federal Register**.

**ADDRESSES:** Copies of the Order, the petition, and all pertinent information relating thereto are on file at the following location: EPA Region 4, Air, Pesticides and Toxics Management Division, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. The Order is also available electronically at the following address: [http://www.epa.gov/region07/programs/artd/air/title5/petitiondb/petitions/cashcreek\\_response2008.pdf](http://www.epa.gov/region07/programs/artd/air/title5/petitiondb/petitions/cashcreek_response2008.pdf)

**FOR FURTHER INFORMATION CONTACT:** Art Hofmeister, Air Permits Section, EPA Region 4, at (404) 562-9115 or [hofmeister.art@epa.gov](mailto:hofmeister.art@epa.gov).

**SUPPLEMENTARY INFORMATION:** The CAA affords EPA a 45-day period to review and, as appropriate, the authority to object to operating permits proposed by state permitting authorities under title V of the CAA, 42 U.S.C. 7661-7661f. Section 505(b)(2) of the CAA and 40 CFR 70.8(d) authorize any person to petition the EPA Administrator to object to a title V operating permit within 60 days after the expiration of EPA's 45-day review period if EPA has not objected on its own initiative. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the state, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or the grounds for the issues arose after this period.

Petitioners submitted petitions regarding the Cash Creek Generating Station on January 31, 2008, and February 13, 2008, respectively, requesting that EPA object to the merged PSD and title V operating permit (#V-07-017). Petitioners alleged that the permit was not consistent with the CAA for the following reasons: (1) The best available control technology (BACT) analyses did not include natural gas as a clean fuel; (2) the permit lacks the appropriate new source performance standards for the combustion turbines planned for the facility; (3) the permit lacks a limit for particulate matter of less than or equal to 2.5 microns in diameter; (4) the permit lacks a BACT limit for carbon dioxide; (5) KDAQ did not consider, and was unresponsive to, public input regarding alternatives analysis for the proposed permit; (6) Elm Road (a facility located in Wisconsin) sulfuric acid mist limits were not considered in the BACT analysis; (7) KDAQ did not respond to comments regarding material handling and storage emissions; and (8) KDAQ did not respond to Valley Watch comments on increased ozone formation due to the emissions from the proposed source.

On December 15, 2009, the Administrator issued an Order granting in part and denying in part the petitions. The Order explains EPA's rationale for granting the petitions with respect to issues 1, 2, 3, 5, 6, and 8; and denying the petitions with respect to the remaining issues.

Dated: December 18, 2009.

**Beverly H. Banister,**  
*Acting Regional Administrator, Region 4.*  
[FR Doc. E9-31149 Filed 12-31-09; 8:45 am]  
**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9099-6]

### Proposed Cercla Administrative Cost Recovery Settlement; David Benvenuti and Howe Cleaners, Howe Cleaners Site, Barre, VT

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of proposed settlement; 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 costs concerning the Howe Cleaners Superfund Site in Barre, Vermont with the following settling parties: David Benvenuti and Howe Cleaners. The settlement requires the settling parties to pay \$320,000 to the Hazardous Substance Superfund. The settlement includes a covenant not to sue the settling parties 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 5 Post Office Square, Suite 100, Boston, MA 02109-3912.

**DATES:** Comments must be submitted by February 3, 2010.

**ADDRESSES:** Comments should be addressed to Peter DeCambre, Senior Enforcement Counsel, U.S. Environmental Protection Agency, Region I, 5 Post Office Square, Suite 100 (OES04-1), Boston, Massachusetts 02109-3912 (Telephone No. 617-918-1890) and should refer to: In re: Howe Cleaners Superfund Site, U.S. EPA Docket No. 01-2009-0045.

**FOR FURTHER INFORMATION CONTACT:** A copy of the proposed settlement may be obtained from Peter DeCambre, Senior Enforcement Counsel, U.S. Environmental Protection Agency, Region I, 5 Post Office Square, Suite 100, (OES04-1), Boston, Massachusetts 02109-3912 (Telephone No. 617-918-1890; E-mail [decambre.peter@epa.gov](mailto:decambre.peter@epa.gov)).

Dated: December 22, 2009.

**James T. Owens III,**  
*Director, Office of Site Remediation and Restoration.*  
[FR Doc. E9-31176 Filed 12-31-09; 8:45 am]  
**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OECA-2009-0986; FRL-9098-3]

### Public Comment on Candidate National Enforcement and Compliance Assurance Priorities for Fiscal Years 2011-2013

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

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

**SUMMARY:** The Environmental Protection Agency (EPA) is soliciting public comment and recommendations on enforcement and compliance national priorities to be addressed for fiscal years 2011–2013. EPA selects these priority areas every three years in order to focus federal resources on the most important environmental problems where noncompliance is a significant contributing factor.

The U.S. Environmental Protection Agency, Office of Enforcement and Compliance Assurance is collecting external comment on the following preliminary set of national priority candidates for FY 2011–2013 listed on our Web site: <http://www.epa.gov/compliance/data/planning/priorities/index.html>.

This preliminary list is based on analysis of proposals received from states, EPA staff, tribes, and on-line public comments. Enforcement national priorities are not limited to those priority candidates on the above Web site and the public is invited to propose additional areas for consideration. Comments will be considered as part of the process EPA uses to identify and select enforcement and compliance national priorities. Final priority selection will be incorporated into the EPA Office of Enforcement and Compliance Assurance National Program Manager Guidance that provides national program direction for all EPA regional offices released in April 2010. EPA will consider these comments as it moves forward in the decision-making process, but will not respond to all comments received.

**DATES:** Comments must be received on or before January 19, 2009.

**ADDRESSES:** Information in support of this Notice of Public Comment is available via the Internet at: <http://www.epa.gov/compliance/data/planning/priorities/index.html>.

Submit your comments via <http://www.regulations.gov>, identified by Docket ID No. EPA–HQ–OECA–2009–0986; FRL–9098–3. Follow the on-line instructions for submitting comments.

**Instructions:** Direct your comments to Docket ID No. EPA–HQ–OECA–2009–0986. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise

protected through <http://www.regulations.gov>. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA can not read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

**FOR FURTHER INFORMATION CONTACT:** Christopher Knopes, Director, National Planning, Measures, and Analysis Staff, Office of Enforcement and Compliance Assurance, Mail Code: M2221A, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 202–564–2337; fax number: 202–564–0027; e-mail address: [knopes.christopher@epa.gov](mailto:knopes.christopher@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. What Are EPA Enforcement and Compliance National Priorities?**

The Environmental Protection Agency (EPA) is voluntarily soliciting public comment and recommendations on enforcement and compliance national priorities to be addressed for fiscal years 2011–2013. EPA selects these priorities every three years in order to focus federal resources on the most important environmental problems where noncompliance is a significant contributing factor. Enforcement and compliance national priorities are selected according to three criteria: (1) Environmental impact; (2) Significant noncompliance; (3) Appropriate federal role. These selection criteria will be used to make decisions on enforcement and compliance priorities for 2011–2013. The priorities do not impose any legally binding requirements on any outside parties.

##### **II. On What Is EPA Requesting Comment?**

The U.S. Environmental Protection Agency, Office of Enforcement and Compliance Assurance, is collecting external comment on a set of candidate

enforcement and compliance priorities for FY 2011–2013. <http://www.epa.gov/compliance/data/planning/priorities/index.html>. This preliminary list of candidate enforcement and compliance national priorities is based on analysis of proposals received from states, EPA staff, tribes, and on-line public comments. Enforcement national priorities are not limited to those priorities described on the above Web site. The public is invited to propose additional areas for consideration.

The Office of Enforcement and Compliance Assurance is committed to identifying a limited number of national priorities. Some current priority areas may be carried forward or refined during FY 2011–2013. For additional information on current FY 2008–2010 national priorities, please visit the Web site listed above.

##### **III. How Was the Preliminary List of Enforcement National Priorities Developed?**

During 2009, EPA regional offices consulted state and tribal regulatory partners about existing and potential new national program priorities for fiscal years 2011–2013. The Agency also issued letters requesting comments on new national priorities to state environmental, public health, and agricultural departments and each federally recognized Indian tribe. EPA conducted outreach regarding the national priority stakeholder engagement and selection process at the National Environmental Justice Advisory Committee (NEJAC) meeting in September 2009. In addition, a new Web site launched in August 2009 collected over 100 public comments on candidate national priorities, selection criteria, and information provided on EPA's Web site using blogging technology to collect external feedback. For additional details on public comments provided during the Fall 2009 comment period see: <http://blog.epa.gov/enforcementnationalpriority>.

##### **IV. Can the Deadline for Comments Be Extended?**

No. EPA and states jointly implement Federal environmental laws. EPA issues National Program Manager Guidance (NPM Guidance) so that EPA and states can effectively align their activities to achieve mutual goals. The NPM guidance must be released for state and public comment in February and finalized in April in order to allow states to direct resources appropriately according to their fiscal calendars. As a result, EPA must receive public comments by January 16, 2010 in order

to make selections in keeping with this schedule.

Dated: December 23, 2009.

**Lisa Lund,**

*Director, Office of Compliance.*

[FR Doc. E9-31042 Filed 12-31-09; 8:45 am]

BILLING CODE 6560-50-P

## EXPORT-IMPORT BANK OF THE UNITED STATES

### Economic Impact Policy

This notice is to inform the public that the Export-Import Bank of the United States has received an application for a \$70 million direct loan to support the export of approximately \$69 million worth of aluminum beverage can and end manufacturing equipment to Saudi Arabia. The U.S. exports will enable the Saudi company to produce approximately 800 million aluminum beverage cans and 8 billion aluminum beverage ends per year during the 10-year repayment term of the loan. Available information indicates that this new Saudi aluminum beverage can and end production will be sold in Saudi Arabia and international markets. Interested parties may submit comments on this transaction by e-mail to [economic.impact@exim.gov](mailto:economic.impact@exim.gov) or by mail to 811 Vermont Avenue, NW., Room 947, Washington, DC 20571, within 14 days of the date this notice appears in the **Federal Register**.

**Jonathan J. Cordone,**

*Senior Vice President and General Counsel.*

[FR Doc. E9-31133 Filed 12-31-09; 8:45 am]

BILLING CODE 6690-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collection Being Reviewed by the Federal Communications Commission, Comments Requested

December 28, 2009.

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3501-3520. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with

a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and (e) ways to further reduce the information collection burden for small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a currently valid OMB control number.

**DATES:** Persons wishing to comment on this information collection should submit comments on or before March 5, 2010. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget (OMB), via fax at (202) 395-5167, or via the Internet at [Nicholas\\_A.Fraser@omb.eop.gov](mailto:Nicholas_A.Fraser@omb.eop.gov) and to Judith B. Herman, Federal Communications Commission (FCC). To submit your PRA comments by e-mail send them to: [PRA@fcc.gov](mailto:PRA@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** Judith B. Herman, OMD, 202-418-0214. For additional information about the information collection(s) send an e-mail to [PRA@fcc.gov](mailto:PRA@fcc.gov) and to Judith B. Herman, 202-418-0214.

**SUPPLEMENTARY INFORMATION:**

OMB Control No: 3060-1044.

Title: Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338 and WC Docket No. 04-313, FCC 04-290, Order on Remand.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions, and state, local or tribal government.

Number of Respondents: 645 respondents; 645 responses.

Estimated Time Per Response: 8 hours.

Frequency of Response: On occasion reporting requirement, recordkeeping requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this collection of information is contained in 47 U.S.C. 251.

Total Annual Burden: 5,160 hours.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: The Commission is not requesting respondents to submit or disclose confidential information. However, in certain circumstances, respondents may voluntarily choose to submit confidential information pursuant to applicable confidentiality rules.

Need and Uses: The Commission will submit this information collection after this 60 day comment period in order to obtain the full three year clearance from the Office of Management and Budget (OMB). The Commission has not changed its burden estimates or requirements that were submitted to the OMB for approval in 2007.

All of the information collections implement the requirements of section 251 of the Telecommunications Act of 1996. Section 251 is designed to accelerate private sector development and deployment of telecommunications technologies and services by spurring competition. In order to foster competition in the local telephone market, the Act requires incumbent local exchange carriers (incumbent LECs) to share certain elements of their local telephone networks, providing them to other carriers at reasonable prices on an unbundled basis. These "unbundled network elements" (UNEs) are necessary for competition because the only alternative, building entire new telephone networks, would be prohibitively expensive for new entrants.

In Order, FCC 03-36, the Commission adopted rules and regulations designed to eliminate operational barriers to competition in the telecommunications services market and implement certain provisions of Section 251, including the UNE obligations of incumbent LECs.

In the Order on Remand, FCC 04-290, the Commission responded to a decision by the United States Court of Appeals for the District of Columbia that vacated the "sub-delegation" of authority to state commissions and vacated and remanded certain nationwide impairment findings, including mass