

result in reduced adverse effects from motorized routes.

*EIS No. 20090204, ERP No. F-AFS-J65523-00*, Sioux Ranger District Travel Management Project, To Designate the Road and Trail and Areas Suitable for Public Motorized Travel, Sioux Ranger District, Custer National Forest, Carter County of MT and Harding County of SD.

*Summary:* EPA supported the preferred alternative, since it would result in reduced adverse effects from motorized routes.

*EIS No. 20090215, ERP No. F-AFS-J65534-MT*, Miller West Fisher Project, Proposes Land Management Activities, including Timber Harvest, Access Management, Road Storage and Decommissioning, Prescribed Burning and Precommercial Thinning, Miller Creek, West Fisher Creek and the Silver Butte Fisher River, Libby Ranger District, Kootenai National Forest, Lincoln County, MT.

*Summary:* EPA expressed environmental concerns about erosion and sediment production/transport and associated water quality impacts during logging activities.

*EIS No. 20090219, ERP No. F-USA-E11069-GA*, Maneuver Center of Excellence at Fort Benning Project, Proposed Community Services, Personnel Support, Classroom Barracks, and Dining Facilities would be Constructed in three of the four Cantonment Areas, Fort Benning, GA.

*Summary:* EPA expressed environmental concerns about impacts to aquatic habitats, water resources, and wetlands.

Dated: August 11, 2009.

**Kenneth Mittelholtz**,  
Deputy Director, NEPA Compliance Division,  
Office of Federal Activities.

[FR Doc. E9-19502 Filed 8-13-09; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8945-9]

### Proposed Amendment to Administrative Order on Consent, Index No. CERCLA-02-2001-2020, Containing a Covenant Not To Sue Under CERCLA Section 122(h), Shenandoah Road Groundwater Contamination Superfund Site, East Fishkill, New York

**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 of 1980, as amended ("CERCLA"), 42 U.S.C. 9622(i), notice is hereby given of a proposed settlement embodied in an amendment to an Administrative Order on Consent, Index No. CERCLA-02-2001-2020 ("Order"). The Order was issued to the International Business Machines Corporation ("IBM") in connection with the Shenandoah Road Groundwater Contamination Superfund Site, East Fishkill, Dutchess County, New York ("Site"). The amendment to the Order was signed by the U.S. Environmental Protection Agency ("EPA" or the "Agency") on June 15, 2009, and contains a covenant not to sue under Section 122(h) of CERCLA, 42 U.S.C. 9622(h). Under the proposed amendment, EPA is covenanting not to sue IBM for \$50,000 of response costs, conditioned upon IBM's assistance to the Town of East Fishkill in acquiring waterline easements to properties at the Site, and upon IBM's performance of its obligations under the Order, including construction of an alternate water supply. For thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to the amendment. EPA will consider all comments received and may modify or withdraw its consent to the covenant not to sue if comments received disclose facts or considerations that indicate that the proposed covenant not to sue is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at EPA, Region 2, 290 Broadway, New York, New York 10007-1866.

**DATES:** Comments must be submitted on or before September 14, 2009.

**ADDRESSES:** The amendment is available for public inspection at the United States Environmental Protection Agency, 290 Broadway, New York, New York 10007-1866. Comments should reference the Shenandoah Road Groundwater Contamination Superfund Site, East Fishkill, Dutchess County, New York, Index No. CERCLA-02-2001-2020. To request a copy of the amendment, please contact the individual identified below.

**FOR FURTHER INFORMATION CONTACT:** Carol Y. Berns, Assistant Regional Counsel, New York/Caribbean Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, 17th Floor, 290 Broadway, New York, New York 10007-1866. Telephone: 212-637-3177.

Dated: July 31, 2009.

**John S. Frisco**,

Acting Director, Emergency and Remedial Response Division, EPA, Region 2.

[FR Doc. E9-19536 Filed 8-13-09; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8945-7]

### 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 ("CAA" or "Act"), 42 U.S.C. 7413(g), notice is hereby given of a proposed consent decree to address a lawsuit filed by Sierra Club ("Plaintiff") in the United States District Court for the Western District of Wisconsin: *Sierra Club v. Jackson*, No.3:09-cv-00122-slc (W.D. WI). Sierra Club filed a deadline suit to compel the Administrator to respond to an administrative petition seeking EPA's objection to a CAA Title V operating permit issued by the Wisconsin Department of Natural Resources to Wisconsin Power & Light Company's Columbia Generating Station ("CGS"), near Pardeeville, Wisconsin. Under the terms of the proposed consent decree, EPA has agreed to respond to the petition by September 18, 2009, or within 20 days of the entry date of this Consent Decree, whichever date is later.

**DATES:** Written comments on the proposed consent decree must be received by *September 14, 2009*.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA-HQ-OGC-2009-0604, online at <http://www.regulations.gov> (EPA's preferred method); by e-mail to [oei.docket@epa.gov](mailto: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:** John Rowland, Office of General Counsel (Mail Code 2344A), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone: (202) 564-5467; fax number (202) 564-5603; e-mail address: [rowland.john@epa.gov](mailto:rowland.john@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Additional Information About the Proposed Consent Decree**

The proposed consent decree would resolve a lawsuit seeking a response to an administrative petition to object to a CAA Title V permit issued by the Wisconsin Department of Natural Resources to Wisconsin Power & Light Company's Columbia Generating Station ("CGS") near Pardeeville, Wisconsin. Under the proposed consent decree, EPA has agreed to respond to the petition by September 18, 2009, or within 20 days of the entry date of this Consent Decree, whichever date is later. The proposed consent decree further states that within 15 days following signature of such response, EPA shall deliver notice of such action on the petition to the Office of the Federal Register for prompt publication and, if EPA's response contains an objection in whole or in part, transmit the signed response to the Wisconsin Department of Natural Resources. The proposed consent decree sets the attorneys' fees at \$2,057.54.

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 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-2009-0604) 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, 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: August 7, 2009.

**Richard B. Ossias,**  
Associate General Counsel.

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**BILLING CODE 6560-50-P**

**FEDERAL COMMUNICATIONS COMMISSION**

**Radio Broadcasting Services; AM or FM Proposals To Change the Community of License**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** The following applicants filed AM or FM proposals to change the community of license: AGM CALIFORNIA, Station KGFM, Facility ID 36234, BPH-20090710ASB, From BAKERSFIELD, CA, To WASCO, CA; AMY MEREDITH, Station NONE, Facility ID 160577, BMP-20090630AFY, From DALHART, TX, To VEGA, TX; ANDERSON RADIO BROADCASTING, INC., Station KZXT, Facility ID 164302, BMPH-20080904ABB, From EUREKA, MT, To HUNGRY HORSE, MT; BRANTLEY BROADCAST ASSOCIATES, LLC, Station WEZZ, Facility ID 40900, BP-20081216BKH, From MONROEVILLE, AL, To BRANTLEY, AL; CALVARY CHAPEL