

West Jackson Boulevard, Chicago, Illinois 60604, telephone (312) 886-4447.

**SUPPLEMENTARY INFORMATION:** The Act affords EPA a 45-day period to review, and to object to as appropriate, a title V operating permit proposed by a state permitting authority. Section 505(b)(2) of the Act, 42 U.S.C. 7661d(b)(2), authorizes any person to petition the EPA Administrator within 60 days after the expiration of the EPA review period to object to a title V operating permit if EPA has not done so. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period, unless the petitioner demonstrates that it was impracticable to raise the issues during the comment period, or the grounds for the issues arose after the public comment period.

On February 18, 2004, the EPA received from the Sierra Club and American Bottom Conservancy a petition requesting that EPA object to the proposed title V operating permit for Onyx Environmental Services. The Sierra Club and American Bottom Conservancy alleged that the proposed permit (1) Violated EPA's commitments and obligations to address environmental justice issues; (2) lacked a compliance schedule and certification of compliance; (3) did not address modifications Onyx took that allegedly triggered new source review requirements; (4) was based on an eight-year old application; (5) lacked practically enforceable conditions; (6) contained a permit shield that broadly insulates it from ongoing and recent violations; (7) failed to include conditions that meet the legal requirements for monitoring; (8) did not contain a statement of basis; (9) did not require prompt reporting of violations; and (10) failed to establish annual mercury and lead limits.

On February 1, 2006, the Administrator signed an order partially granting and partially denying the petition. The order explains the reasons behind EPA's conclusion that the IEPA must: (1) Address the significant comments concerning the possible need for a compliance schedule in the proposed permit; (2) require Onyx Environmental Services to submit a current compliance certification; (3) address comments concerning modifications made at the Onyx facility and the potential applicability of new source review requirements; (4) require Onyx Environmental Services to submit an updated application that reflects all applicable requirements for the source; (5) make clear either in the permit or

statement of basis what constitutes "normal" operating conditions; (6) amend the permit to limit Onyx Environmental Services's election to regulatory requirements applicable to hazardous waste incinerators; (7) define the terms "container" and "containerized solids," or explain in the statement of basis where the terms are defined; (8) provide information on where the applicable specifications pertaining to "manufacturer's specifications" can be located; (9) provide a statement of basis that complies with the requirements of EPA regulations and post its statement of basis on a Web site, or make available to the public on the Web site a notice telling the public where it can obtain the statement of basis; and (10) explain how a thirty day reporting requirement for all deviations is prompt or require a shorter reporting period for deviations as is provided for in 40 CFR Part 71. The order also explains the reasons for denying Sierra Club and American Bottom Conservancy's remaining claims.

The August 9, 2006, amended order grants the petition for the claim that the permit lacks monitoring required under other provisions of 40 CFR Part 70.6. EPA directs IEPA to revise the permit to incorporate all particulate matter monitoring required for the facility under 40 CFR Part 63, Subpart EEE, including a leak detection system.

Dated: September 12, 2006.

**Norman Niedergang,**

*Acting Regional Administrator, Region 5.*

[FR Doc. E6-15537 Filed 9-18-06; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[IL227-1; FRL-8220-8]

### Notice of Prevention of Significant Deterioration Final Determination for Prairie State Generating Company

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

**ACTION:** Notice of final action.

**SUMMARY:** This notice announces that on August 24, 2006, the Environmental Appeals Board (EAB) of the EPA denied a petition for review of a Federal Prevention of Significant Deterioration (PSD) permit issued to Prairie State Generating Company by the Illinois Environmental Protection Agency (IEPA).

**DATES:** The effective date for the EAB's decision is August 24, 2006. Pursuant to Section 307(b)(1) of the Clean Air Act,

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 Seventh Circuit within 60 days of September 19, 2006.

**ADDRESSES:** The documents relevant to the above action are available for public inspection during normal business hours at the following address: Environmental Protection Agency, Region 5, 77 West Jackson Boulevard (AR-18J), Chicago, Illinois 60604. To arrange viewing of these documents, call Genevieve Damico at (312) 353-4761.

**FOR FURTHER INFORMATION CONTACT:** Genevieve Damico, Air and Radiation Division, Air Programs Branch, Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard (AR-18J), Chicago, Illinois 60604. Anyone who wishes to review the EAB decision can obtain it at <http://www.epa.gov/eab/>.

### Notification of EAB Final Decision

The IEPA, acting under authority of a PSD delegation agreement, issued a PSD permit to Prairie State Generating Company on April 28, 2005, granting approval to construct two coal-fired steam electric generating units, each with a nominal generating capacity of 750 net megawatts in Washington County, Illinois. The American Bottom Conservancy, American Lung Association of Metropolitan Chicago, Clean Air Task Force, Health and Environmental Justice-St. Louis, Lake County Conservation Alliance, Sierra Club and Valley Watch filed a petition for review with the EAB on June 8, 2005. The EAB denied review of the petition on August 24, 2006. The permit became effective on August 24, 2006.

Dated: September 11, 2006.

**Bharat Mathur,**

*Acting Regional Administrator, Region 5.*

[FR Doc. E6-15538 Filed 9-18-06; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8095-5]

### Temporary Changes to the EPA Docket Center Public Reading Room

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

**ACTION:** Notice.

**SUMMARY:** The EPA Docket Center (EPA/DC) Public Reading Room in Washington, DC will be temporarily inaccessible to the public due to

construction starting on September 22, 2006. This notice provides information regarding submitting comments and accessing affected dockets during this period.

**FOR FURTHER INFORMATION CONTACT:**

Minh-Hai Tran-Lam, Mail code 2822T, Office of Information Collection, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 566-1647; fax number: (202) 566-1639; e-mail address: *Tran-Lam.Minh-Hai@epa.gov*.

**SUPPLEMENTARY INFORMATION:** Dockets, Electronic Dockets, and Information Centers serve as the repository for information related to particular Agency actions. Regulations.gov serves as EPA's electronic public docket and on-line comment system. If you would like to submit an electronic comment or obtain docket materials for an EPA docket, please visit <http://www.regulations.gov>.

As of September 22, 2006, the EPA Docket Center (EPA/DC) Public Reading Room will be temporarily inaccessible to the public until November 6, 2006, due to construction. Public access to docket materials will still be provided. We strongly encourage you to visit the EPA Docket website at <http://www.epa.gov/epahome/dockets.htm> in order to receive the latest status concerning the Public Reading Room and public access to docket materials.

If you wish to obtain materials from a docket in the EPA/DC, please go first to <http://www.regulations.gov> and obtain electronic copies. If the materials are listed in the docket index but the documents themselves are not available in regulations.gov, please call (202) 566-1744 or e-mail the applicable Program Office Docket from the list provided below.

EPA Docket Center operations will still continue during this period. In addition to electronic access through regulations.gov, public inspection of docket materials will be available by appointment during this period. Appointments may be made by calling (202) 566-1744 or by e-mailing the appropriate Docket Office listed below.

If you wish to hand deliver comments during this period, you may drop them off between the hours of 8:30 a.m. and 4:30 p.m. eastern standard time (e.s.t.), Monday through Friday, excluding Federal holidays at the EPA Headquarters, Room 6146F in the EPA West Building located at 1301 Constitution Avenue, NW., Washington, DC. EPA visitors are required to show photographic identification and sign the EPA visitor log. After processing through the X-ray and magnetometer

machines, visitors will be given an EPA/DC badge that must be visible at all times, and be escorted to Room 6146F to drop off comments.

- Office of Air and Radiation (OAR) Docket -- *E-mail: a-and-r-Docket@epa.gov*.
- Office of Enforcement and Compliance Assurance (OECA) Docket -- *E-mail: docket.oeca@epa.gov*.
- Office of Environmental Information (OEI) Docket (includes Toxics Release Inventory (TRI) Docket) -- *E-mail: oei.docket@epa.gov*.
- Office of Pollution Prevention and Toxics (OPPT) Docket -- *E-mail: oppt.ncic@epa.gov*.
- Office of Research and Development (ORD) Docket -- *E-mail: ord.docket@epa.gov*.
- Office of Solid Waste and Emergency Response (OSWER) -- Resource Conservation and Recovery Act (RCRA) Docket -- *E-mail: rcra-docket@epa.gov*.
- Superfund Docket -- *E-mail: superfund.docket@epa.gov*.
- Underground Storage Tanks (UST) Docket -- *E-mail: rcra-docket@epa.gov*.
- Office of Water (OW) Docket -- *E-mail: OW-Docket@epa.gov*.

If you have any other questions concerning the temporary closing of the EPA/DC Public Reading Room, you may call (202) 566-1744 between the hours of 8:30 a.m. and 4:30 p.m. e.s.t.

**List of Subjects**

Environmental protection.

Dated: September 14, 2006.

**Mark Luttner,**

*Director, Office of Information Collection, Office of Environmental Information.*

[FR Doc. 06-7781 Filed 9-15-06; 12:58 pm]

**BILLING CODE 6560-50-S**

**COUNCIL ON ENVIRONMENTAL QUALITY**

**The National Environmental Policy Act—Guidance on Categorical Exclusions**

**AGENCY:** Council on Environmental Quality.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Council on Environmental Quality (CEQ) used an interagency work group to develop guidance to Federal agencies for establishing and for using categorical exclusions in meeting their responsibilities under the National Environmental Policy Act (NEPA). CEQ invites comments on the proposed

guidance before issuing the final guidance to the heads of the Federal agencies. The proposed guidance, "Establishing, Revising, and Using Categorical Exclusions under the National Environmental Policy Act", is reprinted below and is also available at <http://www.NEPA.gov> in the Current Developments section.

**DATES:** Written comments should be submitted on or before October 27, 2006.

**ADDRESSES:** Electronic or facsimile comments on the proposed guidance are preferred because Federal offices experience intermittent mail delays from security screening. Electronic comments can be sent to NEPA Modernization (CE) at [hgregzmiel@ceq.eop.gov](mailto:hgregzmiel@ceq.eop.gov). Written comments may be faxed to NEPA Modernization (CE) at (202) 456-0753. Written comments may also be submitted to NEPA Modernization (CE), Attn: Associate Director for NEPA Oversight, 722 Jackson Place NW., Washington DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Horst Greczmiel, 202-395-5750.

**SUPPLEMENTARY INFORMATION:** The Council on Environmental Quality (CEQ) established a National Environmental Policy Act (NEPA) Task Force and is now implementing recommendations designed to modernize the implementation of NEPA and make the NEPA process more effective and efficient. Additional information is available on the task force Web site at <http://ceq.eh.doe.gov/ntf>.

The proposed guidance, "Establishing, Revising, and Using Categorical Exclusions under the National Environmental Policy Act," was developed to assist agencies with developing and using categorical exclusions for actions that do not have significant effects on the human environment and eliminate the need for unnecessary paperwork and effort under NEPA for categories of actions that normally do not warrant preparation of an environmental impact statement (EIS) or environmental assessment (EA). Developing and using appropriate categorical exclusions promotes the cost-effective use of agency NEPA related resources. CEQ requests public input and comments on the following proposed guidance:

Establishing, Revising, and Using Categorical Exclusions under the National Environmental Policy Act.

**I. Introduction**

The following guidance is provided to assist Federal agencies in improving and