

SUPPLEMENTARY INFORMATION:**A. What is the regulatory basis of this software?**

Subtitle C of the Resource Conservation and Recovery Act (RCRA) establishes financial assurance requirements for owners or operators of hazardous waste treatment, storage, or disposal facilities (TSDF). The RCRA hazardous waste regulations, (40 CFR parts 264 and 265), require that the owner or operator of a TSDF which seeks a Part B permit or has interim status to prepare an estimate of the costs required to close the facility and the cost to perform post-closure care at the facility based on the costs of a third-party performing the work.

B. How was the cost estimating method developed?

In 1986, EPA developed a methodology to evaluate closure and post-closure cost estimates. The methodology is discussed in detail in *Cost Estimates for Closure and Post-Closure Care Plans* (EPA/530-SW-87-009). The methodology provides EPA and state permit writers with a consistent, accurate and rapid method of evaluating cost estimates for closure and post-closure care of TSDFs. The software resulting from this effort is called CostPro.

C. How long has CostPro been used?

EPA first issued CostPro in 1996; it has been updated four times, the last of which was completed in 2001.

D. Does this action apply to me?

The methods and procedures set forth in CostPro are intended primarily for the use of EPA and state personnel in evaluating the adequacy of current cost estimates for closure and post-closure care of typical hazardous waste TSDFs. EPA has received a number of inquiries about CostPro from industry. To provide industry with our basis for these estimates, EPA will provide copies of CostPro upon request, as described in this notice.

E. What are the benefits to the update of CostPro?

The primary benefits to the update of CostPro are that (1) it will be on a MS.NET 2.0 platform in C#, which is a contemporary software platform and (2) the program data have been updated to 2009 values.

F. How is a CostPro estimate developed?

CostPro's general procedure for evaluating a cost estimate for a TSDF involves:

- Identifying each facility waste management unit (e.g., container storage unit, tank, landfill, etc.) requiring closure or post-closure care;
- Identifying the closure or post-closure care activities to be conducted at each waste management unit;
- Completing inventory worksheets provided for each waste management unit;
- Completing closure or post-closure care worksheets for primary and support worksheets for each waste management unit (e.g., removal, transportation and disposal of waste, building decontamination, and sampling and analysis, etc.); and,
- Evaluating total cost summary worksheets for each waste management unit and for the facility as a whole.

G. What are the sources of CostPro data?

The primary sources of cost information include the 2009 R.S. Means *Means Building Construction Cost Data and Means Site Work and Landscape Cost Data* guides and the 2006 Azimuth ECHOS (Environmental Cost Handling Options and Solutions) Environmental Remediation Cost Data guide. EPA has paid a fee to these companies for the use of these data by EPA and state government personnel only. Some data, e.g., costs for geotextile netting and geomembranes for landfills have been supplied by vendors.

H. How can the public obtain a copy of CostPro?

Because EPA's license for use of the program data extends only to EPA and one copy for each state government, public users who want to obtain a copy of the software package (or state governments that want to obtain more than one copy of the software package) will be asked to pay a fee to R.S. Means for its use, and submit proof to EPA that appropriate permission has been obtained from the R.S. Means Company. Contact Peter Cholakakis of R.S. Means at peter.cholakakis@reedbusiness.com. EPA will then mail a CD to the requester. See EPA contact information above.

Dated: May 11, 2009.

Matt Hale,

Director, Office of Resource Conservation and Recovery.

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ENVIRONMENTAL PROTECTION AGENCY

[Docket No. EPA-RO4-SFUND-2009-0320, FRL-8907-8]

Lilburn Mercury Spill Superfund Site; Lilburn, Gwinnett County, GA; Notice of Settlement

AGENCY: Environmental Protection Agency.

ACTION: Notice of settlement.

SUMMARY: Under Section 122(h)(1) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the United States Environmental Protection Agency has entered into a settlement for reimbursement of past response costs concerning the Lilburn Mercury Spill Superfund Site located in Lilburn, Gwinnett County, Georgia for publication.

DATES: The Agency will consider public comments on the settlement until June 19, 2009. 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.

ADDRESSES: Copies of the settlement are available from Ms. Paula V. Painter. Submit your comments, identified by Docket ID No. EPA-RO4-SFUND-2009-0320 or Site name Lilburn Mercury Spill Superfund Site by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.
- <http://www.epa.gov/region4/waste/sf/enforce.htm>.
- *E-mail: Painter.Paula@epa.gov.*

FOR FURTHER INFORMATION CONTACT: Paula V. Painter at 404/562-8887.

Dated: May 7, 2009.

Anita L. Davis,

Chief, Superfund Enforcement & Information Management Branch, Superfund Division.

[FR Doc. E9-11829 Filed 5-19-09; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-8907-9; Docket ID No. EPA-HQ-ORD-2009-0243]

An Approach To Using Toxicogenomic Data in U.S. EPA Human Health Risk Assessments: A Dibutyl Phthalate (DBP) Case Study

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of peer-review workshop and public comment period.

SUMMARY: EPA is announcing that Eastern Research Group, Inc., an EPA contractor for external scientific peer review, will convene an independent panel of experts and organize and conduct an external peer-review workshop to review the external review draft document titled, "An Approach to Using Toxicogenomic Data in U.S. EPA Human Health Risk Assessments: A Dibutyl Phthalate Case Study" (EPA/600/R-09/028A). The EPA also is announcing a 30-day public comment period for the draft document. The draft document was prepared by the National Center for Environmental Assessment (NCEA) within EPA's Office of Research and Development. EPA is interested in developing methods to use genomic data most effectively in risk assessments performed at the Agency. NCEA developed this draft report for the purpose of describing an approach to using toxicogenomic data in risk assessment and illustrating the approach with a case study.

The public comment period and the external peer-review workshop are separate processes that provide opportunities for all interested parties to comment on the document. EPA intends to forward public comments that are submitted in accordance with this notice to the external peer-review panel prior to the meeting for their consideration. When finalizing the draft document, EPA intends to consider any public comments that EPA receives in accordance with this notice.

EPA is releasing this draft document solely for the purpose of pre-dissemination peer review under applicable information quality guidelines. This document has not been formally disseminated by EPA. It does not represent and should not be construed to represent any Agency policy or determination.

Eastern Research Group, Inc. invites the public to register to attend this workshop as observers. In addition, Eastern Research Group, Inc. invites the public to give oral and/or provide written comments at the workshop regarding the draft document under review. The draft document and EPA's peer-review charge are available primarily via the Internet on NCEA's home page under the Recent Additions and the Data and Publications menus at <http://www.epa.gov/ncea>. In preparing a final report, EPA will consider any comments and recommendations from the external peer-review workshop and any public comments that EPA receives in accordance with this notice.

DATES: The peer-review panel workshop will begin on Tuesday, June 23, 2009, at 8:30 a.m. and end at 4:30 p.m. Observers must register by Monday, June 15, 2009, and indicate if they wish to make brief oral statements at the workshop. The 30-day public comment period begins May 20, 2009, and ends June 19, 2009. Technical comments should be in writing and must be received by EPA by June 19, 2009.

ADDRESSES: The peer-review workshop will be held at Holiday Inn Capitol, 550 C Street, SW., Washington, DC 20024. The EPA contractor, Eastern Research Group, Inc., is organizing, convening, and conducting the peer-review workshop. To attend the workshop as an observer, register by Monday, June 15, 2009, via the Internet at <https://www2.ergweb.com/projects/conferences/peerreview/register-TgX.htm>. You may also register by e-mail at meetings@erg.com (subject line: TgX in Risk Assessment Peer Review Workshop), by phone: 781-674-7374 or toll free at 800-803-2833, or by faxing a registration request to 781-674-2906 (please reference the "TgX in Risk Assessment Peer Review Workshop" and include your name, title, affiliation, full address and contact information).

The draft "An Approach to Using Toxicogenomic Data in U.S. EPA Human Health Risk Assessments: A Dibutyl Phthalate Case Study" is available primarily via the Internet on NCEA's Internet home page under the Recent Additions and the Data and Publications menus at <http://www.epa.gov/ncea>. A limited number of paper copies are available from the Information Management Team, NCEA; telephone: 703-347-8561; facsimile: 703-347-8691. If you are requesting a paper copy, please provide your name, mailing address, and the document title, "An Approach to Using Toxicogenomic Data in U.S. EPA Human Health Risk Assessments: A Dibutyl Phthalate Case Study". Copies are not available from Eastern Research Group, Inc. Comments may be submitted electronically via www.regulations.gov, by mail, by facsimile, or by hand delivery/courier. Please follow the detailed instructions as provided in the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Questions regarding information, registration, access or services for individuals with disabilities, or logistics for the external peer-review workshop should be directed to Laurie Waite, Eastern Research Group, Inc., 110 Hartwell Ave., Lexington, MA 02421; telephone: 781-674-7362; facsimile 781-674-2906; e-mail

laurie.waite@erg.com. To request accommodation of a disability, please contact Laurie Waite, preferably at least 10 days prior to the workshop, to give as much time as possible to process your request.

For information on the public comment period, contact the Office of Environmental Information Docket; telephone: 202-566-1752; facsimile: 202-566-1753; or e-mail: ORD.Docket@epa.gov.

If you need technical information about the document, please contact Susan Y. Euling, National Center for Environmental Assessment (NCEA); telephone: 703-347-8575; facsimile: 703-347-8692; e-mail euling.susan@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Summary of Information About the Project/Document

The National Center for Environmental Assessment (NCEA) prepared this draft document for the purpose of describing an approach to using toxicogenomic data in risk assessment and illustrating the approach with a case study. The approach and case study described in this draft report were developed by a team of scientists at EPA laboratories and centers, and outside organizations including The Hamner Institute, the National Institute for Environmental Health Sciences, and the EPA's Science to Achieve Results (STAR) Bioinformatics Center at the University of Medicine and Dentistry of New Jersey and Rutgers University. The approach outlined is expected to be useful to risk assessors in EPA, as well as other federal agencies, and the scientific community at large. A case study to test the approach for dibutyl phthalate (DBP) is described. The case study presented in this draft document is a separate activity from any of the ongoing IRIS human health assessments for the phthalates.

II. Workshop Information

Members of the public may attend the workshop as observers, and there will be a limited time for comments from the public. Pre-registration is strongly recommended as space is limited, and registrations will be accepted on a first-come, first-served basis. The deadline for pre-registration is June 15, 2009. If space allows, registrations will continue to be accepted after this date, including on-site registrations. Time will be set aside to hear comments from observers, and individuals will be limited to a maximum of five minutes during the morning session of peer review

workshop. Please let ERG know if you wish to make comments during the workshop by registering on the Web site at <https://www2.ergweb.com/projects/conferences/peerreview/register-TgX.htm> and indicating your intent to make oral comments.

III. How to Submit Technical Comments to the Docket at www.regulations.gov.

Submit your comments, identified by Docket ID No. EPA-HQ-ORD-2009-0243, by one of the following methods:

- www.regulations.gov: Follow the on-line instructions for submitting comments.
- *E-mail*: ORD.Docket@epa.gov
- *Fax*: 202-566-1753
- *Mail*: Office of Environmental Information (OEI) Docket (Mail Code: 2822T), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. The phone number is 202-566-1752.
- *Hand Delivery*: The OEI Docket is located in the EPA Headquarters Docket Center, Room 3334 EPA West Building, 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. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

If you provide comments by mail or hand delivery, please submit three copies of the comments. For attachments, provide an index, number pages consecutively with the comments, and submit an unbound original and three copies.

Instructions: Direct your comments to Docket ID No. EPA-HQ-ORD-2009-0243. Please ensure that your comments are submitted within the specified comment period. Comments received after the closing date will be marked "late," and may only be considered if time permits. It is EPA's policy to include all comments it receives in the public docket without change and to make the comments available online at regulations.gov, including any personal information provided, unless a 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 regulations.gov or e-mail. The 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 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 cannot 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 additional information about EPA's public docket visit the EPA Docket Center homepage at www.epa.gov/epahome/dockets.htm.

Docket: Documents in the docket are listed in the regulations.gov index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other materials, such as copyrighted material, are publicly available only in hard copy. Publicly available docket materials are available either electronically in regulations.gov or in hard copy at the OEI Docket in the EPA Headquarters Docket Center.

Dated: May 13, 2009.

Rebecca Clark,

Acting Director, National Center for Environmental Assessment.

[FR Doc. E9-11744 Filed 5-19-09; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

[CG Docket No. 03-123 and WC Docket No. 05-196; DA 09-870]

Pleading Cycle Established for Filing of Oppositions To Petition for Partial Reconsideration and Limited Waiver, and Petition for Partial Reconsideration, Concerning the Assignment of Ten-Digit Telephone Numbers and E911 Requirements for Internet-Based Telecommunications Relay Service (TRS)

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the Commission, via the Consumer and

Governmental Affairs Bureau, announces the filing of petitions for partial reconsideration by Telecommunications for the Deaf and Hard of Hearing, Inc. and five consumer organizations (TDI Coalition), and GoAmerica, Inc. (GoAmerica). Petitioners seek reconsideration of the eligibility requirement that limits the assignment of ten-digit telephone numbers to individuals who are deaf or hard of hearing or who have a speech disability. Additionally, GoAmerica seeks reconsideration, or a limited waiver for six months, of the requirement that Internet-based TRS providers must answer a call back from the Public Safety Answering Point (PSAP) with priority (*i.e.*, move the call to the top of the queue).

DATES: Oppositions are due on or before June 4, 2009 and replies to oppositions are due on or before June 15, 2009.

ADDRESSES: Pursuant to 47 CFR 1.429(f) and (g), interested parties may submit oppositions or replies to oppositions identified by [CG Docket No. 03-123 and WC Docket No. 05-196], by any of the following methods:

- *Federal eRulemaking Portal*: <http://www.regulations.gov>. Follow the instructions for submitting electronic filings.
- *Federal Communications Commission's Electronic Comment Filing System (ECFS)*: Follow the instructions for submitting electronic filings.

- By filing paper copies.

For electronic filers through ECFS or the Federal eRulemaking Portal, because multiple docket numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the opposition or reply to opposition to each docket number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. Because more than one docket number appears in the caption in this proceeding, filers must submit two additional copies for each additional docket number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal