

existing dam is owned by the City of Nashua.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Mr. David H. Skilton, City of Nashua, 402 Main Street, Nashua, Iowa 50658, (641) 435-4156.

i. *FERC Contact:* Etta Foster, (202) 502-8769.

j. *Deadline for Filing Comments, Protests, and Motions To Intervene:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please include the project number (P-12628-000) on any comments, protests, or motions filed.

k. *Description of Project:* The proposed project would consist of: (1) The existing City of Nashua's 18-foot-high, 258-foot-long Cedar River Dam; (2) a 2,000-foot wide, 700-acre impoundment with a storage capacity of approximately 3,500 acre feet, and a normal surface elevation of 960 feet above sea level; (3) an existing concrete and brick powerhouse which will contain four proposed generating units with a total installed capacity of 850 kW; (4) a proposed 60-foot-long, 13.8-kV transmission line; (5) a tailrace; and (6) appurtenant facilities.

The project would have an estimated annual generation of approximately 3285 MWh (Mega-Watt hours). The applicant plans to sell the generated energy.

l. *Location of Application:* A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502-8371. This filing may also be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1-866-208-3676 or e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov). For TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the address in item h. above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Competing Preliminary Permit:* Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the

competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

o. *Competing Development Application:* Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

p. *Notice of Intent:* A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

q. *Proposed Scope of Studies Under Permit:* A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

r. *Comments, Protests, or Motions To Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a

party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper; See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under "e-filing" link. The Commission strongly encourages electronic filing.

s. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", "MOTION TO INTERVENE", "NOTICE OF INTENT", or "COMPETING APPLICATION", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

t. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Magalie R. Salas,  
Secretary.

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8171-7]

### Availability of FY 05 Grantee Performance Evaluation Reports for the Eight States of EPA Region 4 and Selected Local Agencies

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

**ACTION:** Notice of availability of Clean Air Act, section 105 grantee performance evaluation reports.

**SUMMARY:** EPA's grant regulations (40 CFR 35.115) require the Agency to evaluate the performance of agencies

which receive grants. EPA's regulations for regional consistency (40 CFR 56.7) require that the Agency notify the public of the availability of the reports of such evaluations. EPA performed end-of-year evaluations of eight state air pollution control programs (Alabama Department of Environmental Management; Florida Department of Environmental Protection; Georgia Department of Natural Resources; Kentucky Environmental & Public Protection Cabinet; Mississippi Department of Environmental Quality; North Carolina Department of Environment and Natural Resources; South Carolina Department of Health and Environmental Control; and Tennessee Department of Environment and Conservation) and 12 local programs (City of Huntsville Division of Natural Resources, AL; Jefferson County Department of Health, AL; City of Jacksonville Environmental Quality Division, FL; Hillsborough County Environmental Protection Commission, FL; Miami-Dade County Air Quality Management Division, FL; Palm Beach County Health Department Division of Environmental Health, FL; Forsyth County Environmental Affairs Department, NC; Mecklenburg County Land Use and Environmental Services Agency, NC; Western North Carolina Regional Air Quality Agency, NC; Memphis-Shelby County Health Department, TN; Knox County Department of Air Quality Management, TN; and Nashville-Davidson County Metropolitan Public Health Department, TN). The 20 evaluations were conducted to assess the agencies' performance under the grants awarded by EPA under authority of section 105 of the Clean Air Act. EPA Region 4 has prepared reports for each agency identified above and these reports are now available for public inspection. The evaluations for the remainder of the local governments will be published at a later date.

**ADDRESSES:** The reports may be examined at the EPA's Region 4 office, 61 Forsyth Street, SW., Atlanta, Georgia 30303, in the Air, Pesticides and Toxics Management Division.

**FOR FURTHER INFORMATION CONTACT:** Marie Persinger (404) 562-9048 for information concerning the state agencies of Alabama and South Carolina; Miya Smith (404) 562-9091 for the state and local agencies of Florida and for the local agencies of Tennessee; Russandra Brown (404) 562-9064 for the state agencies of Mississippi and Kentucky; Mary Echols (404) 562-9053 for the state agencies of Georgia and Tennessee, and for the state and local agencies of North Carolina.

They may be contacted at the above Region 4 address.

Dated: May 4, 2006.

**A. Stanley Meiburg,**

*Deputy Regional Administrator, Region 4.*

[FR Doc. E6-7574 Filed 5-17-06; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8171-6]

### Proposed CERCLA Administrative Cost Recovery Settlement: Dayton X-Ray Company Superfund Site

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

**ACTION:** Notice; 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 Agreement for Recovery of Past Response Costs ("Agreement"), issued pursuant to section 122(h)(1) of CERCLA, concerning the Dayton X-Ray Site in Dayton, Ohio, between the United States Environmental Protection Agency ("U.S. EPA" or "the Agency") and the following Settling Party: Joan Ruth Sammons.

The proposed Agreement contains a settlement between U.S. EPA and Joan Ruth Sammons for the payment of a portion of U.S. EPA's costs incurred in connection with the Dayton X-Ray Superfund Site. The Agreement requires the Settling Party to pay a total of \$20,955.62 plus interest in the amount of \$178.90 into the U.S. EPA Hazardous Substance Superfund. The Agreement also includes U.S. EPA's covenant not to sue the Settling Party pursuant to section 107(a) of CERCLA, 42 U.S.C. 9607(a), if Settling Party fulfills her obligations under the proposed Agreement.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the Agreement. The Agency will consider all comments received and may modify or withdraw its consent to the Agreement if comments received disclose facts or considerations which indicate that the Agreement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at the following location: Records Center, U.S. EPA, Region 5, 7th

Floor, 77 W. Jackson Blvd., Chicago, IL 60604.

**DATES:** Comments must be submitted on or before June 19, 2006.

**Background:** The Dayton X-Ray Site is located at 1150 West Second Street, Dayton, Ohio. Dayton X-Ray Company operated from 1939 to 1992, as a family-owned business with its principal office and laboratory at this location. A title search revealed that Mrs. Joan Ruth Sammons owned the facility since 1970. Mrs. Sammons is the sole remaining Potentially Responsible Party and is the Settling Respondent in this proposed Agreement.

The Dayton X-Ray Company filed for bankruptcy and ceased operations in 1992. The Site was abandoned with at least several dozen 55 gallon drums and containers, which contained hazardous substances, remaining on site.

Approximately 20 of these drums were outside of a building near a sidewalk, and exposed to the elements, which would lead to deterioration of the drums and release of their hazardous contents. Mrs. Sammons performed the cleanup of hazardous substances from the Site pursuant to U.S. EPA Agreement Docket No. V-W-C-637, and has already paid U.S. EPA past costs in the amount of \$12,000.

Under the terms of the proposed settlement, Mrs. Joan Sammons will pay the U.S. EPA Superfund \$20,955.62 in U.S. EPA's costs in overseeing a clean-up of the Site by Mrs. Joan Sammons, plus interest in the amount of \$178.90, for a total payment to the Superfund of \$21,134.52. In consideration of the work performed, past costs already paid, and monies to be paid the Superfund pursuant to this proposed Agreement, U.S. EPA will forgive those Past Response Costs not collected pursuant to this Agreement. This settlement between U.S. EPA and Mrs. Sammons will resolve all outstanding costs of U.S. EPA incurred in connection with the Dayton X-Ray Site.

Comments should reference the Dayton X-Ray Company Superfund Site, Dayton, Ohio and U.S. EPA Docket No. V-W-060C-846, and should be addressed to: Jerome Kujawa, Associate Regional Counsel, 77 West Jackson Blvd., Mail Code C-14J, Chicago, Illinois 60604. Copies of the proposed Agreement may be obtained from Jerome Kujawa at (312) 886-6731 or e-mail at [kujawa.jerome@epa.gov](mailto:kujawa.jerome@epa.gov).

**FOR FURTHER INFORMATION CONTACT:** Jerome Kujawa, Associate Regional Counsel, 77 West Jackson Blvd., Mail Code C-14J, Chicago, Illinois 60604, (312) 886-6731 or e-mail Mr. Kujawa at [kujawa.jerome@epa.gov](mailto:kujawa.jerome@epa.gov).