

Group Inc., (Premcor) title V operating permit issued by the Texas Commission on Environmental Quality (TCEQ). Specifically, the Administrator has partially granted and partially denied the petition submitted by Environmental Integrity Project, the Community In-Power Development Association, Inc., Public Citizen's Texas Office, and the Refinery Reform Campaign (Petitioners), to object to the permit for Premcor to operate its refinery in Port Arthur, Texas.

Pursuant to section 505(b)(2) of the Clean Air Act (Act), the petitioner may seek judicial review of those portions of the petition which EPA denied in the United States Court of Appeals for the appropriate circuit. Any petition for review shall be filed within 60 days from the date this notice appears in the **Federal Register**, pursuant to section 307 of the Act.

**ADDRESSES:** You may review copies of the final order, the petition, and other supporting information at EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view copies of the final order, petition, and other supporting information. If you wish to examine these documents, you should make an appointment at least 24 hours before visiting day. The final order is also available electronically at: [http://www.epa.gov/region07/programs/artd/air/title5/petitiondb/petitions/premcor\\_portarthur\\_response2007.pdf](http://www.epa.gov/region07/programs/artd/air/title5/petitiondb/petitions/premcor_portarthur_response2007.pdf).

**FOR FURTHER INFORMATION CONTACT:** Bonnie Braganza, Air Permits Section, Multimedia Planning and Permitting Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-7340, or e-mail at [braganza.bonnie@epa.gov](mailto:braganza.bonnie@epa.gov).

**SUPPLEMENTARY INFORMATION:** The Act affords EPA a 45-day period to review, and, as appropriate, object to operating permits proposed by State permitting authorities under title V of the Act. Section 505(b)(2) of the Act authorizes any person to petition the EPA Administrator within 60 days after the expiration of this review period to object to title V operating permits 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 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.

On February 16, 2007, EPA received a petition from the Petitioners requesting that EPA object to the issuance of the title V operating permit to Premcor for the operation of its refinery in Port Arthur, Texas. First, the petitioners claim that the proposed permit lacks monitoring, recordkeeping, and reporting sufficient to assure compliance with all emission limitations and other substantive Clean Air Act requirements. Specifically the petitioners cite numerous monitoring, recordkeeping, and reporting deficiencies in the underlying permits and permits by rule that are incorporated by reference into the title V permit.

Second, the petitioners claim that the extensive use of incorporation by reference for emission limitations and standards violates title V of the Act and its implementing regulations at 40 CFR part 70, thereby rendering the permit practically unenforceable. The petitioners claim that the use of incorporation by reference makes it practically impossible for the public to discover the requirements of the permit, which defeats the intention of the title V program. Further, the petitioners claim that there is inadequate guidance as to where the referenced permits may be found and they were unable to obtain complete or current copies of a number of the underlying permits from TCEQ.

On May 28, 2009, the Administrator issued an order partially granting and partially denying the petition. The order explains the reasons behind EPA's conclusion to partially grant and partially deny the petition for objection.

Dated: June 5, 2009.

**Lawrence E. Starfield,**  
*Acting Regional Administrator, Region 6.*  
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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8917-7]

### Proposed Administrative Cost Recovery Agreement Pursuant to Section 122(h)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) for the Haythorne Logistics Spill Site, Cheboygan County, MI

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

**ACTION:** Notice and request for public comment.

**SUMMARY:** In accordance with section 122(i) of CERCLA, 42 U.S.C. 9622(i), notification is hereby given of a proposed administrative settlement agreement regarding partial recovery of costs incurred by EPA in implementing a removal action at the site of a truck accident on Interstate 75 in Cheboygan County, Michigan. EPA proposes to enter into this agreement under the authority of Sections 107 and 122(h) of CERCLA, 42 U.S.C. 9607 and 9622(h). The proposed agreement has been executed by Haythorne Logistics, a trucking company located in Toledo Ohio. Under the proposed agreement, Haythorne Logistics will pay \$119,000 to reimburse the Superfund for part of the \$137,915 in costs incurred by EPA in implementing the removal action. For thirty days following the date of publication of this notice, EPA will receive written comments relating to the proposed agreement. EPA will consider all comments received and may decide not to enter into the proposed agreement if comments disclose facts or considerations which indicate that the agreement is inappropriate, improper or inadequate.

**DATES:** Comments on the proposed agreement must be received by EPA on or before July 15, 2009.

**ADDRESSES:** Comments should be addressed to the Docket Clerk, U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, and should refer to: In the Matter of Haythorne Logistics, EPA Docket No. V-W-09-C-924.

**FOR FURTHER INFORMATION CONTACT:** Reginald A. Pallesen, Associate Regional Counsel, by mail at: U.S. Environmental Protection Agency, Office of Regional Counsel (C-14J), 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, or by phone at: (312) 886-0555. A copy of the proposed administrative settlement agreement may be obtained in person or by mail from the EPA's Region 5 Office of Regional Counsel, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590. Additional background information relating to the settlement is available for review at the EPA's Region 5 Office of Regional Counsel.

**Authority:** The Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9601-9675.

Dated: June 4, 2009.

**Douglas E. Ballotti,**

*Acting Director, Superfund Division, Region 5.*

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## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than June 29, 2009.

**A. Federal Reserve Bank of Minneapolis** (Jacqueline G. King, Community Affairs Officer) 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

1. *Richard Jordahl*, Fargo, North Dakota; to acquire voting shares of Hatton Bancshares, Inc., Fargo, North Dakota, and thereby indirectly acquire voting shares of Farmers and Merchants National Bank, Hatton, North Dakota.

Board of Governors of the Federal Reserve System, June 9, 2009.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. E9-13923 Filed 6-12-09; 8:45 am]

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## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the

banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at [www.ffiec.gov/nic/](http://www.ffiec.gov/nic/).

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 9, 2009.

**A. Federal Reserve Bank of Philadelphia** (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105-1521:

1. *First BanCapital Fund I, LP.; First BanCapital Parallel Fund I, LP.; CBCF Partners, L.P.; MJR, LLC; MJR Financial Group, LLL*, all of Bethlehem, Pennsylvania; to acquire between 6.1 and 9.7 percent of the voting shares of Old Florida Bancshares, Inc., and thereby indirectly acquire voting shares of Old Florida National Bank, both of Longwood, Florida.

Board of Governors of the Federal Reserve System, June 9, 2009.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

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## FEDERAL TRADE COMMISSION

[File No. 082 3099]

### Sears Holdings Management Corporation; Analysis of Agreement Containing Consent Order to Aid Public Comment

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed Consent Agreement.

**SUMMARY:** The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair

methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

**DATES:** Comments must be received on or before July 6, 2009.

**ADDRESSES:** Interested parties are invited to submit written comments electronically or in paper form. Comments should refer to “Sears, File No. 082-3099” to facilitate the organization of comments. Please note that your comment—including your name and your state—will be placed on the public record of this proceeding, including on the publicly accessible FTC website, at (<http://www.ftc.gov/os/publiccomments.shtml>).

Because comments will be made public, they should not include any sensitive personal information, such as an individual's Social Security Number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. Comments also should not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, comments should not include any “[t]rade secret or any commercial or financial information which is obtained from any person and which is privileged or confidential.” \* \* \* as provided in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and Commission Rule 4.10(a)(2), 16 CFR 4.10(a)(2). Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled “Confidential,” and must comply with FTC Rule 4.9(c), 16 CFR 4.9(c).<sup>1</sup>

Because paper mail addressed to the FTC is subject to delay due to heightened security screening, please consider submitting your comments in electronic form. Comments filed in electronic form should be submitted by using the following weblink: (<https://secure.commentworks.com/ftc-searsholdings>) (and following the instructions on the web-based form). To ensure that the Commission considers an electronic comment, you must file it on the web-based form at the weblink:

<sup>1</sup> The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. See FTC Rule 4.9(c), 16 CFR 4.9(c).