

regulations have not changed over the past three years and are not anticipated to change over the next three years. Secondly, the growth rate for respondents is very low, negative, or non-existent. Therefore, the labor hours in the previous ICR reflect the current burden to the respondents and are reiterated in this ICR. There is a minor change to the cost figures because the previous ICR used a technical labor rate only. The updated labor categories and associated rates result in an increase to total labor cost. In addition, the previous ICR rounded to the nearest \$1,000; this ICR presents cost figures which differ by less than \$500 from the previous ICR due to using exact figures instead of rounding.

Dated: November 16, 2009.

**John Moses,**

*Director, Collection Strategies Division.*

[FR Doc. E9-28261 Filed 11-24-09; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2008-0917; FRL-8984-9]

### Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Standards for Pesticide Containers and Containment; EPA ICR No. 1632.03, OMB Control No. 2070-0133

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

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

**DATES:** Additional comments may be submitted on or before December 28, 2009.

**ADDRESSES:** Submit your comments, referencing Docket ID No. EPA-HQ-OPP-2008-0917, to (1) EPA online using <http://www.regulations.gov> (our preferred method), by mail—Office of Pesticide Programs (OPP), Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and (2) OMB by mail to: Office of

Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

#### FOR FURTHER INFORMATION CONTACT:

Cameo Smoot, Field and External Affairs Division, Office of Pesticide Programs, 7506P, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 703-305-5454; fax number: 703-305-5884; e-mail address: [smoot.cameo@epa.gov](mailto:smoot.cameo@epa.gov).

**SUPPLEMENTARY INFORMATION:** EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On February 25, 2009 (74 FR 8537), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OPP-2008-0917, which is available for online viewing at <http://www.regulations.gov>, or in person viewing at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305-5805. Use EPA's electronic docket and comment system at <http://www.regulations.gov>, to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select "docket search," then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at <http://www.regulations.gov> as EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to <http://www.regulations.gov>.

**Title:** Standards for Pesticide Containers and Containment.

**ICR numbers:** EPA ICR No. 1632.03, OMB Control No. 2070-0133.

**ICR Status:** This ICR is scheduled to expire on November 30, 2009. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this

submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

**Abstract:** This information collection request covers the information collection activities associated with the container design and residue removal requirements and containment structure requirements. With respect to the container design and residue removal requirements, the information collection activities are associated with the requirement that businesses subject to the container regulations (pesticide registrants) and repackaging regulations (pesticide registrants and refillers) maintain records of test data, cleaning procedures, certain data when a container is refilled, and other supporting information. These records are subject to both call-in by EPA and on-site inspection by EPA and its representatives. EPA has not established a regular schedule for the collection of these records, and there is no reporting. With respect to the containment structure requirements, the information collection activities are associated with the requirement that businesses subject to the containment structure regulations maintain records of the: (1) Monthly inspection and maintenance of each containment structure and all stationary bulk containers; (2) duration over which non-stationary bulk containers holding pesticide and not protected by a secondary containment unit remain at the same location; and (3) construction date of the containment structure. The businesses subject to the containment structure regulations include agrichemical retailers and refilling establishments, custom blenders and commercial applicators of agricultural pesticides. The records have to be maintained by the owners and operators of such businesses. There is no regular schedule for the collection of either of these records, nor does EPA anticipate a call-in of records at some future date. Instead, the records would be available to inspectors to ensure that businesses are in compliance with containment requirements. These inspections are

generally conducted by the states, who enforce FIFRA regulations through cooperative agreements with EPA.

**Burden Statement:** The annual public reporting and recordkeeping burden for this collection of information is estimated to average 7.4 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

**Respondents/Affected Entities:** Entities potentially affected by this ICR include pesticide registrants and businesses who formulate pesticide products or pesticide formulation intermediates (NAICS code 325320), farm supply wholesalers (NAICS code 422910), swimming pool applicators (classified under NAICS codes 561790, 453998, and 235990), and agricultural (aerial and ground) commercial applicators (classified under NAICS code 115112).

**Estimated Number of Respondents:** 23,586. This includes 1,804 registrant facilities, 16,795 agricultural pesticide refillers, 322 swimming pool supply companies, and 4,665 facilities requiring secondary containment.

**Frequency of Response:** On occasion. There is no regular reporting involved. This ICR only involves recordkeeping requirements.

**Estimated Total Annual Hour Burden:** 174,550.5 hours. This includes 139,563 hours for container design and residue removal requirements and 34,987.5 hours for containment structure requirements.

**Estimated Total Annual Cost:** \$6,124,953. This includes \$4,902,723 for container design and residue removal requirements and \$1,222,230 for containment structure requirements.

**Changes in the Estimates:** The renewal of this ICR will result in an overall increase of 122,493.5 hours in the total estimated respondent burden identified in the currently approved ICR. When the information collection associated with this ICR was approved

in 2006, the burden hours were adjusted to reflect only the burden associated with initial rule familiarization and state requests to use their containment regulations in lieu of Federal regulations—a total of 52,057 hours. These were the only burdens that were imposed by the pesticide container and containment regulations during the course of that approval. EPA was instructed to revise the estimates, upon resubmission, to reflect the burden imposed in 2009 and beyond because of compliance with the requirements.

Dated: November 18, 2009.

**John Moses,**

*Director, Collection Strategies Division.*

[FR Doc. E9-28259 Filed 11-24-09; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[Regional Docket Nos. V-2008-2, FRL-8985-3]

### Clean Air Act Operating Permit Program; Petition for Objection to State Operating Permit for BP Products North America, Inc., Whiting Business Unit

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

**ACTION:** Notice of final order on petition to object to Clean Air Act (Act) operating permit.

**SUMMARY:** This document announces that the Administrator of EPA has responded to a petition submitted by the Environmental Law and Policy Center, Hoosier Environmental Council, Natural Resources Defense Council, Save the Dunes, Sierra Club, Susan Eleuterio, and Tom Tsourlis (petitioners) asking EPA to object to an operating permit issued by the Indiana Department of Environmental Management to the BP Products North America, Inc., Whiting Business Unit (Whiting). The Administrator granted the petition in part and denied it in part.

Pursuant to section 505(b)(2) of the Act, a petitioner may seek in the United States Court of Appeals for the appropriate circuit judicial review of those portions of a petition which EPA denied. 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 the EPA Region 5 Office, 77 West Jackson Boulevard, Chicago, Illinois 60604. If you wish to examine these documents,

you should make an appointment at least 24 hours before visiting the EPA office. Additionally, the final order for the Whiting petition is available electronically at: <http://www.epa.gov/region07/programs/artd/air/title5/petitiondb/petitiondb.htm>.

#### FOR FURTHER INFORMATION CONTACT:

Pamela Blakley, Chief, Air Permits Section, Air Programs Branch, Air and Radiation Division, EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, telephone (312) 886-4447.

**SUPPLEMENTARY INFORMATION:** The Act affords EPA a 45-day period to review, and object, as appropriate, to operating permits proposed by State permitting authorities. Section 505(b)(2) of the Act authorizes any person to petition the EPA Administrator within 60 days after the expiration of the EPA review period to object to a State operating permit if EPA has not done so. A petition 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 issues during the comment period, or the grounds for the issues arose after this period.

On August 19, 2008, EPA received a petition requesting that EPA object to the Title V operating permit for Whiting. The Petitioners allege that the permit is not in compliance with the requirements of the Act.

Specifically, the Petitioners allege that: (1) The permit application lacks emission information and calculations critical for determining applicable requirements and setting appropriate limits and conditions; (2) the minor source permit fails to comply with New Source Review requirements because the project is a major modification when all project emissions are properly included; (3) the permit does not include applicable Best Available Control Technology and Lowest Achievable Emission Rate limits for flares and other sources; (4) BP and IDEM failed to conduct the proper greenhouse gas Best Achievable Control Technology analysis; and (5) the permit omits compliance schedules that Title V requires to ensure compliance with all applicable requirements, as supported by the Notice of Violation issued by EPA to BP for its Whiting refinery.

On October 16, 2009, the Administrator issued an order granting the Whiting petition in part and denying it in part. The order explains the reasons behind EPA's conclusions.