

ethanol, or who wish to obtain a testing exemption.

**Title:** Regulation of Fuels and Fuel Additives: Gasoline Volatility, Reporting Requirements for Parties Which Produce or Import Gasoline Containing Ethanol, and Reporting Requirements for Parties Seeking a Testing Exemption (40 CFR 80.27).

**ICR numbers:** EPA ICR No. 1367.09, OMB Control No. 2060-0178.

**ICR status:** This ICR is currently scheduled to expire on May 31, 2011. 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:** Gasoline volatility, as measured by Reid Vapor Pressure (RVP) in pounds per square inch (psi), is controlled in the spring and summer in order to minimize evaporative hydrocarbon emissions from motor vehicles. RVP is subject to a Federal standard of 7.8 psi or 9.0 psi, depending on location. The addition of ethanol to gasoline increases the RVP by about 1 psi. Gasoline that contains 9 volume percent to 10 volume percent ethanol is subject to a standard that is 1.0 psi greater. As an aid to industry compliance and EPA enforcement, the product transfer document, which is prepared by the producer or importer and which accompanies a shipment of gasoline containing ethanol, is required by regulation to contain a legible and conspicuous statement that the gasoline contains ethanol and the percentage concentration of ethanol. This is intended to deter the mixing within the distribution system, particularly in retail storage tanks, of gasoline with ethanol in the 9 percent to 10 percent range with gasoline which does not contain ethanol in that range. Such mixing would likely result in a gasoline which is in violation of its RVP standard. Also, a party wishing a testing exemption for research on gasoline that is not in compliance with the applicable volatility standard must submit certain information to EPA. EPA has proposed additional PTD requirements for gasoline containing ethanol at 75 FR 68044 (November 4, 2010). Those

requirements will be addressed in a separate ICR.

**Burden Statement:** The annual public reporting and recordkeeping burden for this collection of information is estimated to average 1 second 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.

The ICR provides a detailed explanation of the Agency's estimate, which is only briefly summarized here: *Estimated total number of potential respondents:* 2,000.

*Frequency of response:* On occasion.

*Estimated total average number of responses for each respondent:* 22,000.

*Estimated total annual burden hours:* 12,330.

*Estimated total annual costs:* \$1.4 million. This includes an estimated burden cost of \$1.4 million and an estimated cost of \$20 for capital investment or maintenance and operational costs.

#### Are there changes in the estimates from the last approval?

There is a decrease of 1,667 hours in the total estimated annual respondent burden compared with that identified in the ICR currently approved by OMB. This decrease reflects EPA's updating of burden estimates. The decrease is due to an increase in the use of computer-generated product transfer documents.

#### What is the next step in the process for this ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the

approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: November 23, 2010.

**Margo Tsirigotis Oge,**

*Director, Office of Transportation and Air Quality.*

[FR Doc. 2010-30100 Filed 11-29-10; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-SFUND-2010-0894; FRL-9233-7]

### Guidance on Planning, Implementing, Maintaining, and Enforcing Institutional Controls at Contaminated Sites

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

**ACTION:** Notice of availability.

**SUMMARY:** EPA is interested in soliciting individual stakeholder input regarding the issues addressed in the EPA interim final guidance, titled *Institutional Controls: A Guide to Planning, Implementing, Maintaining, and Enforcing Institutional Controls at Contaminated Sites*. The Agency will consider the information gathered from this notice and other sources before finalizing this guidance.

**DATES:** Comments must be received on or before January 14, 2011, 45 days after publication in the **Federal Register**.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-SFUND-2010-0894 by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.

- *E-mail:* [superfund.docket@epa.gov](mailto:superfund.docket@epa.gov)

- *Fax:* (202) 566-9744

- *Mail:* U.S. Environmental Protection Agency; EPA Docket Center, Superfund Docket, Mail Code 28221T; 1200 Pennsylvania Avenue, NW., Washington, DC 20460

- *Hand Delivery:* EPA Docket Center—Public Reading Room; EPA West Building, Room 3334; 1301 Constitution Avenue, NW., Washington, DC 20004. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to Docket ID No. EPA-HQ-SFUND-2010-0894. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any

personal information provided, unless the 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 <http://www.regulations.gov> or [superfund.docket@epa.gov](mailto:superfund.docket@epa.gov). The <http://www.regulations.gov> website 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 <http://www.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 <http://www.epa.gov/epahome/dockets.htm>.

**Docket:** All documents in the docket are listed in the <http://www.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 material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at the EPA Docket Center—Public Reading Room, EPA/DC, EPA West, Room 3334; 1301 Constitution Ave., NW., Washington, DC. The 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, and the telephone number for the Superfund docket is (202) 566-0276.

**FOR FURTHER INFORMATION CONTACT:** Chip Love, phone: (703) 603-0695, e-mail: [love.chip@epa.gov](mailto:love.chip@epa.gov), Construction and Post Construction Management Branch, Assessment and Remediation Division, Office of Superfund Remediation and Technology

Innovation (mail code 5204P), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

**SUPPLEMENTARY INFORMATION:** EPA's interim final guidance on *Institutional Controls: A Guide to Planning, Implementing, Maintaining, and Enforcing Institutional Controls at Contaminated Sites* addresses some of the common issues that may be encountered during the cleanup process and provides recommendations on how ICs can complement other response actions (such as engineered response action components) at a site. This interim final guidance also provides an overview of EPA's policy regarding the roles and responsibilities of the parties involved in the various aspects of planning, implementing, maintaining, and enforcing institutional controls. The guidance is available at <http://www.regulations.gov>. This guidance does not represent a regulation, and is not subject to the formal provisions of the Administrative Procedures Act. However, EPA recognizes the potential importance of this guidance to its Federal, state, local, and tribal partners, to the regulated community, and to the public, and therefore through this Federal Register notice seeks public input on the topics addressed in this interim final guidance and its implementation. This public input opportunity will be available until January 14, 2011.

EPA intends to evaluate whether any changes to the interim final guidance are appropriate and expects to issue a final version of this guidance. For purposes of this Federal Register notice, EPA in particular seeks input on the following:

- Are there ways EPA can better evaluate the capacity, willingness, and financial assurance of state, tribal and local governments to assist with ICs and engineering controls when such controls are necessary at a site?
- What potential barriers exist with respect to state, local, and tribal government involvement with ICs and what tools or possible solutions could EPA promote to improve the awareness of and involvement in IC activities?
- How can site managers better engage and involve affected community stakeholders and local land use decision-makers concerning ICs that may be needed and relied upon to complement other response actions (i.e., engineered response action components) at cleanup sites?
- How can information concerning ICs and the underlying land and/or resource use restrictions be made more

available to local land use decision-makers?

- How can EPA better identify and account for the full life cycle costs of ICs?

EPA intends to accept input on the interim final guidance until January 14, 2011. EPA also intends to fully consider all public input in evaluating whether changes to the interim final guidance are appropriate, and to issue a final version of this guidance.

Dated: November 23, 2010.

**Mathy Stanislaus,**

*Assistant Administrator, Office of Solid Waste and Emergency Response.*

[FR Doc. 2010-30111 Filed 11-29-10; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9234-1]

### Proposed Consent Decree, Clean Air Act Citizen Suit

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

**ACTION:** Notice of Proposed Consent Decree; Request for Public Comment.

**SUMMARY:** In accordance with section 113(g) of the Clean Air Act, as amended ("Act"), 42 U.S.C. 7413(g), notice is hereby given of a proposed consent decree, to address a lawsuit filed by WildEarth Guardians: *WildEarth Guardians v. Jackson*, Civil Action No. 1:10-cv-01672-RPM (D. CO). On or about July 14, 2010, WildEarth Guardians filed a complaint alleging that EPA Administrator Jackson failed to fulfill a mandatory duty to respond to an administrative petition to object to issuance of air permit No. 96OPMR129 to the Public Service Company of Colorado doing business as Xcel Energy to operate the Pawnee coal-fired power plant in Morgan County, Colorado (the "Pawnee Petition") within the 60 days specified in section 505(b)(2) of the Clean Air Act and asking the court to enter judgment: (i) Declaring that EPA has violated the Clean Air Act by failing to grant or deny the administrative petition; and, (ii) Ordering EPA to grant or deny the administrative petition in accordance with an expeditious schedule prescribed by the Court. On September 1, 2010, WildEarth Guardians filed a first amended complaint alleging that EPA Administrator Jackson failed to fulfill a mandatory duty to respond to administrative petitions to object to the issuance of air permit No. 96OPAD137 to Xcel Energy to operate the Cherokee