

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2007-0478, FRL-9300-5]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Fuels and Fuel Additives: Gasoline Volatility (Renewal)**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 June 1, 2011.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA-HQ-OAR-2007-0478, to (1) EPA online using <http://www.regulations.gov> (our preferred method), by e-mail to a-and-r-docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Air and Radiation Docket, Mail Code: 28221T, 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: James W. Caldwell, Office of Transportation and Air Quality, Mail Code: 6406J, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 343-9303; fax number: (202) 343-2801; e-mail address: caldwell.jim@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 November 30, 2010 (75 FR 74044), 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-OAR-2007-0478, which is available for online viewing at [http://](http://www.regulations.gov)

www.regulations.gov, or in person viewing at the Air and Radiation Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC 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 Reading Room is 202-566-1744, and the telephone number for the Air and Radiation Docket is 202-566-1742.

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: Regulation of Fuels and Fuel Additives: Gasoline Volatility (Renewal).

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

ICR Status: This ICR is scheduled to expire on May 31, 2011. 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, and 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 (PTD), 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 which contains ethanol in the 9 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 less than one minute. 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: Parties which produce or import gasoline containing ethanol, and parties seeking a testing exemption.

Estimated Number of Respondents: 2,000.

Frequency of Response: On occasion.

Estimated Total Annual Hour Burden: 12,330.

Estimated Total Annual Cost: \$1,356,320, includes \$20 in annualized capital or O&M costs.

Changes in the Estimates: There is a decrease of 1,667 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This decrease reflects EPA's updating of burden estimates. The decrease is due to an increase in computer-generated product transfer documents.

Dated: April 25, 2011.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2011-10425 Filed 4-29-11; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-9300-9]

In the Matter of the Taylor Lumber and Treating Superfund Site, Sheridan, Oregon, Amendment to Agreement and Covenant Not To Sue, Pacific Wood Preserving of Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: This Amendment to Agreement and Covenant Not to Sue ("Amendment") amends the 2002 Agreement and Covenant Not To Sue, Docket CERCLA-10-2002-0034 ("Original Agreement"), entered into by and between the United States on behalf of the U.S. Environmental Protection Agency ("EPA") and Pacific Wood Preserving of Oregon ("PWPO"). In accordance with the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 *et seq.* ("CERCLA"), notice is hereby given of the proposed Agreement between the EPA and PWPO, subject to the final review and approval of the EPA and the U.S. Department of Justice.

The 2002 Original Agreement with PWPO provided a covenant not to sue for response costs at the Taylor Lumber and Treating Site, which PWPO was acquiring, in exchange for several obligations related to site operation and a commitment not to use certain hazardous products, including pentachlorophenol, at the Site. This Amendment removes the restriction on pentachlorophenol use and extends PWPO's commitment to collect and treat groundwater and maintain the asphalt cap until January 31, 2022, or for as long as PWPO owns or operates on the

Property, whichever is later. This Amendment includes additional commitments including submittal of annual environmental audit reports; implementation of institutional controls; payment of EPA future oversight costs; and, a revised Statement of Work for future work to be performed by PWPO.

DATES: Comments must be received on or before May 16, 2011.

ADDRESSES: The proposed settlement is available for public inspection at the U.S. EPA Region 10 office, located at 1200 Sixth Avenue, Seattle, Washington 98101. A copy of the proposed settlement may be obtained from Sharon Eng, Paralegal, U.S. EPA Region 10, Mail Stop ORC-158, 1200 Sixth Avenue, Suite 900, Seattle, Washington 98101; 206-553-0705. Comments should reference the Taylor Lumber and Treating Superfund Site in Sheridan, Oregon, EPA Docket No. CERCLA-10-2002-0034 and should be addressed to Jennifer Byrne, Assistant Regional Counsel, U.S. EPA Region 10, Mail Stop ORC-158, 1200 Sixth Avenue, Suite 900, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Jennifer Byrne, Office of Regional Counsel, Mail Stop: ORC-158, Environmental Protection Agency, 1200 Sixth Avenue, Suite 900, Seattle, WA, 98101; *telephone number:* 206-553-0050; *fax number:* 206-553-0163; *e-mail address:* byrne.jennifer@epa.gov.

Dated: April 25, 2011.

Daniel D. Opalski,

Director, Office of Environmental Cleanup.

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ENVIRONMENTAL PROTECTION AGENCY

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

[EPA-HQ-OW-2011-0409; FRL-9300-6]

EPA and Army Corps of Engineers Guidance Regarding Identification of Waters Protected by the Clean Water Act

AGENCY: Environmental Protection Agency (EPA); and U.S. Army Corps of Engineers, Department of the Army, Department of Defense.

ACTION: Notice of availability and request for comments.

SUMMARY: The Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (the Corps) are publishing

for public comment proposed guidance that describes how the agencies will identify waters protected by the Federal Water Pollution Control Act Amendments of 1972 (Clean Water Act or CWA or Act) and implement the Supreme Court's decisions on this topic (*i.e.*, *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers (SWANCC)* (531 U.S. 159 (2001)) and *Rapanos v. United States* (547 U.S. 715 (2006)) (*Rapanos*)). The agencies believe that under this proposed guidance the number of waters identified as protected by the Clean Water Act will increase compared to current practice and this improvement will aid in protecting the Nation's public health and aquatic resources.

The proposed guidance is consistent with the principles established by the Supreme Court cases and is supported by the agencies' scientific understanding of how waterbodies and watersheds function.

In addition, the agencies believe that when the revised guidance is finalized and goes into effect, it will improve CWA program predictability and clarity regarding the scope of "waters of the United States" protected under the Act and that this improvement will have benefits for both the government and regulated parties. When finalized, this guidance would supersede previously issued guidance on this matter. This guidance will apply to all CWA programs, including section 303 water quality standards, section 311 oil spill prevention and response, section 401 water quality certification, section 402 National Pollutant Discharge Elimination System permits, and section 404 permits for discharges of dredged or fill material. The agencies seek public comment on all aspects of the proposed guidance, including interpretations and scientific underpinnings.

In addition to this guidance, the agencies expect to propose revisions of existing regulations to further clarify which waters are subject to CWA jurisdiction, consistent with the Supreme Court's decisions. Public comment on any such revisions will be requested at the time they are proposed.

DATES: Comments must be received on or before July 1, 2011.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OW-2011-0409 by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.