

*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]

**BILLING CODE 6560-50-P**

## 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.