

**OMB Responses to Agency Clearance Requests***OMB approvals*

EPA ICR Number 1360.12; Underground Storage Tanks: Technical and Financial Requirements, and State Program Approval Procedures; 40 CFR parts 280 and 281; was approved on 09/07/2011; OMB Number 2050-0068; expires on 09/30/2014; Approved with change.

EPA ICR Number 2028.06; NESHAP for Industrial, Commercial, and Institutional Boilers and Process Heaters; 40 CFR part 63, subparts A and DDDDD; was approved on 09/08/2011; OMB Number 2060-0551; expires on 09/30/2014; Approved with change.

EPA ICR Number 2253.02; NESHAP for Industrial, Commercial, and Institutional Boilers Area Sources; 40 CFR part 63, subparts A and JJJJJ; was approved on 09/08/2011; OMB Number 2060-0668; expires on 09/30/2014; Approved with change.

EPA ICR Number 2399.01; Palos Verdes Shelf Seafood Consumption Survey (New); was approved on 09/08/2011; OMB Number 2009-0003; expires on 09/30/2014; Approved with change.

EPA ICR Number 1655.07; Regulation of Fuels and Fuel Additives: Detergent Gasoline; 40 CFR part 80, subpart G; was approved on 09/14/2011; OMB Number 2060-0275; expires on 09/30/2014; Approved without change.

EPA ICR Number 2392.02; Fuel Economy Labeling of Motor Vehicles (Final Rule); 40 CFR parts 85, 86, and 600; was approved on 09/14/2011; OMB Number 2060-0669; expires on 09/30/2014; Approved without change.

EPA ICR Number 0222.09; EPA's Light-Duty In-Use Vehicle Testing Program (Renewal); was approved on 09/29/2011; OMB Number 2060-0086; expires on 09/30/2014; Approved without change.

EPA ICR Number 1204.11; Submission of Unreasonable Adverse Effects Information Under FIFRA Section 6(a); 40 CFR part 159, subpart D; was approved on 09/30/2011; OMB Number 2070-0039; expires on 09/30/2014; Approved without change.

EPA ICR Number 2434.01; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery (New); was approved on 09/28/2011; OMB Number 2010-0042; expires on 09/30/2014; Approved without change.

*Withdrawn and Continue*

EPA ICR Number 2336.02; Turbidity Monitoring Requirements for Construction Sites Regulated by the Effluent Limitations Guidelines and

Standards for the Construction and Development Point Source Category (Final Rule); Withdrawn from OMB on 09/30/2011.

Dated: October 4, 2011.

**John Moses,**

*Director, Collections Strategies Division.*

[FR Doc. 2011-26239 Filed 10-11-11; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-9478-3]

**Notice of Tentative Approval and Opportunity for Public Comment and Public Hearing for Public Water System Supervision Program Revision for Maryland**

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

**ACTION:** Notice of approval and solicitation of requests for public hearing.

**SUMMARY:** Notice is hereby given that the State of Maryland is revising its approved Public Water System Supervision Program. Maryland has adopted drinking water regulations for the Long Term 2 Enhanced Surface Water Treatment Rule (LT2), the Lead and Copper Rule Short Term Revisions (LCRSTR), Unregulated Contaminant Monitoring Rule (UCMR) and the Ground Water Rule (GWR). The U.S. Environmental Protection Agency (EPA) has determined that the State rules (*i.e.*, LT2, LCRSTR, UCMR and the GWR) meet all minimum federal requirements, and that they are no less stringent than the corresponding federal regulations. Therefore, EPA has tentatively decided to approve the State program revisions.

**DATES:** Comments or a request for a public hearing must be submitted by November 14, 2011. This determination shall become final and effective on November 14, 2011, if no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, and if no comments are received which cause EPA to modify its tentative approval.

**ADDRESSES:** Comments or a request for a public hearing must be submitted to the U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029. All documents relating to this determination are available for inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

- Drinking Water Branch, Water Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029.

- Water Management Administration, Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, Maryland 21230.

**FOR FURTHER INFORMATION CONTACT:** Anthony Meadows, Drinking Water Branch (3WP21) at the Philadelphia address given above, or telephone (215) 814-5442 or fax (215) 814-2302.

**SUMMARY:** All interested parties are invited to submit written comments on this determination and may request a hearing. All comments will be considered and, if necessary, EPA will issue a response. Frivolous or insubstantial requests for a hearing will be denied by the Regional Administrator. If a substantial request for a public hearing is made by MONTH XX, 2011 November 16, 2011, a public hearing will be held. A request for public hearing shall include the following: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; (2) a brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing; and (3) the signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

Dated: September 29, 2011.

**W. C. Early,**

*Acting Regional Administrator, Region 3.*

[FR Doc. 2011-26326 Filed 10-11-11; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-9476-8]

**Notice of a Regional Waiver of Section 1605 (Buy American requirement) of the American Recovery and Reinvestment Act of 2009 (ARRA) to the Nishikha Bay Utilities (the Utility), of Nikiski, AK**

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

**ACTION:** Notice.

**SUMMARY:** The Regional Administrator of EPA Region 10 is hereby granting a waiver from the Buy American requirements of ARRA Section 1605(a) under the authority of Section

1605(b)(2) [manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality] to the Utility for the purchase of a magnetic flow meter, manufactured in Mexico. This is a project specific waiver and only applies to the use of the specified products for the ARRA project being proposed. Any other ARRA recipient that wishes to use the same product must apply for a separate waiver based on project specific circumstances. The waiver applicant states that the project requires the magnetic flow meter installation on the main distribution line out of the water treatment plant. The Utility had an existing turbine meter which was currently in use; however, the existing turbine meter failed prior to completion of the project necessitating the Utility to acquire a new meter as a replacement. The Regional Administrator is making this determination based on the review and recommendations of the Drinking Water Unit. The Utility has provided sufficient documentation to support their request.

**DATES:** *Effective Date:* September 29, 2011.

**FOR FURTHER INFORMATION CONTACT:** Johnny Clark, DWSRF ARRA Program Management Analyst, Drinking Water Unit, Office of Water & Watersheds (OWW), (206) 553-0082, U.S. EPA Region 10 (OWW-136), 1200 Sixth Avenue, Suite 900, Seattle, WA 98101.

**SUPPLEMENTARY INFORMATION:** In accordance with ARRA Section 1605(c), the EPA hereby provides notice that it is granting a project waiver of the requirements of Section 1605(a) of Public Law 111-5, Buy American requirements, to the Utility for the purchase of a non-domestic manufactured magnetic flow meter. The Utility is replacing an existing turbine meter that failed prior to completion of the project. The construction of this project involves two phases. Phase 1 of this project includes upgrades near the pumping and distribution components of the Utility. Phase 2 of this project includes the design and construction of two 34,000 gallon storage pressure tanks with a metal building enclosure. In addition, the Utility will install high efficiency well pumps and a booster pump along with the installation of associated controls and construction of approximately 887 linear feet of 12" HDPE water main.

During construction, the Utility had originally designed and planned to relocate an existing turbine meter which was currently installed on the system's main distribution line. The turbine

meter relocation would measure total production flow down-stream of the water treatment system. During the course of construction, the turbine meter failed, necessitating a replacement of the meter. Although replacement of the existing meter seemed a likely course of action for the Utility, a new assessment determined that a new meter which could measure low and high flows would allow the Utility to account for the variations in flow rates, thereby making full use of the Utility's water usage monitoring capabilities. The existing turbine meter measured constant flows between 200 gpm and 400 gpm when the wells were in operation and thus low flow monitoring capabilities were not fully assessed and only total volume was measured. The Utility recognizes that measuring total volume is an important indicator for water usage; however, taking advantage of the ability for the Utility to monitor variations between low and high flows is also an important factor for consideration. The Utility decided that instead of replacing the failed turbine meter with an identical unit, a meter which could measure the low and high flow rates based on usage was a better option to improve their ability to capture data associated with low and high flow rates. In addition, while researching and conducting design analysis for the replacement meter, it became known to the Utility that fire flow requirements or other high flow events required the Utility to identify a meter capable of measuring flows over much wider ranges. Because the meter will be used in a fire pump application, a low head loss meter is also required. These requirements for measuring low and high flow rates and the need to identify a meter which met fire flow certification requirements resulted in the Utility identifying a system flow meter for their design specifications. The main specification requirements for the flow meter are as follows;

1. Four to 1,400 gpm flow range measuring,
2. No head loss across the meter,
3. Bi-directional pulse output,
4. 0.5 second sampling rate,
5.  $\pm 55$  accuracy,
6. IP68 rated, and
7. FM 1046 approved for fire service metering.

The Utility contacted several manufacturers to identify a flow meter which could meet the design specifications outlined for the project; however, none could provide one that is domestically manufactured.

The EPA has also evaluated the City's request to determine if its submission is

considered late or if it could be considered timely, as per the OMB Guidance at 2 CFR 176.120. EPA will generally regard waiver requests with respect to components that were specified in the bid solicitation or in a general/primary construction contract as "late" if submitted after the contract date. However, the EPA could also determine that a request be evaluated as timely, though made after the date that the contract was signed, if the need for a waiver was not reasonably foreseeable. If the need for a waiver is reasonably foreseeable, then the EPA could still apply discretion in these late cases as per the OMB Guidance, which says "the awarding official may deny the request." For those waiver requests that do not have a reasonably unforeseeable basis for lateness, but for which the waiver basis is valid and there is no apparent gain by the ARRA recipient or loss on behalf of the government, then the EPA will still consider granting a waiver.

In this case, there are no U.S. manufacturers that meet the Utility's requirement for system metering. The waiver request was submitted after contract signing because the existing turbine meter which was going to be relocated, failed during the relocation; therefore, the need for a new meter was reasonably unforeseeable. During the design and bid preparation process, the Utility had planned to use and relocate the existing turbine meter and therefore no waiver was required. After the existing meter failed and the Utility recognized that a new meter was required, the Utility did submit the appropriate waiver request after evaluating domestic manufactured products and found through their research and due diligence that no U.S. manufactured flow meters could meet the design requirements for the project. The EPA will consider the Utility's waiver request as a timely request since it was reasonably unforeseeable.

The April 28, 2009 EPA HQ Memorandum, Implementation of Buy American provisions of Public Law 111-5, the "American Recovery and Reinvestment Act of 2009", defines "satisfactory quality" as the quality of iron, steel or the relevant manufactured good as specified in the project plans and design. The Utility has provided information to the EPA representing there are no domestically manufactured magnetic flow meters meeting the project specifications. EPA's contractor reviewed the information and claims provided by the Utility and determined that the project specifications are supported by the evidence and that none of the magnetic meters reviewed

could meet all of the project specifications.

Furthermore, the purpose of the ARRA provisions was to stimulate economic recovery by funding current infrastructure construction, not to delay projects that are already shovel ready by requiring entities, like the Utility, to revise their design and potentially choose a more costly and less effective project. The implementation of ARRA Buy American requirements on such projects eligible for DWSRF assistance would result in unreasonable delay and thus displace the "shovel ready" status for this project. To further delay construction is in direct conflict with the most fundamental economic purposes of ARRA, to create or retain jobs.

The Drinking Water Unit has reviewed this waiver request and has determined that the supporting documentation provided by the Utility is sufficient to meet the following criteria listed under Section 1605(b) and in the April 28, 2009, Implementation of Buy American provisions of Public Law 111-5, the "American Recovery and Reinvestment Act of 2009" Memorandum: Iron, steel, and the manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality. The basis for this project waiver is the authorization provided in Section 1605(b)(2), due to the lack of production of this product in the United States in sufficient and reasonably available quantities and of a satisfactory quality in order to meet the Utility's design specifications.

The March 31, 2009 Delegation of Authority Memorandum provided Regional Administrators with the authority to issue exceptions to Section 1605 of ARRA within the geographic boundaries of their respective regions and with respect to requests by individual assistance recipients. Having established both a proper basis to specify the particular good required for this project, and, that this manufactured good was not available from a manufacturer in the United States, the Utility is hereby granted a waiver from the Buy American requirements of Section 1605(a) of Public Law 111-5 for the purchase of a magnetic flow meter, manufactured in Mexico, for the distribution system improvement project specified in the Utility's waiver request of July 27, 2011. This supplementary information constitutes the detailed written justification required by Section 1605(c) for waivers based on a finding under subsection (b).

**Authority:** Public Law 111-5, section 1605.

Dated: September 29, 2011.

**Dennis J. McLerran,**

*Regional Administrator, EPA, Region 10.*

[FR Doc. 2011-26330 Filed 10-11-11; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2011-0004; FRL-8891-7]

### Pesticide Products; Registration Applications

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

**ACTION:** Notice.

**SUMMARY:** EPA has received applications to register pesticide products containing active ingredients not included in any previously registered pesticide products. Pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

**DATES:** Comments must be received on or before November 14, 2011.

**ADDRESSES:** Submit your comments, identified by the docket identification (ID) number listed at the end of each registration application summary by one of the following methods:

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

- *Mail:* Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

- *Delivery:* OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305-5805.

**Instructions:** Direct your comments to docket ID number EPA-HQ-OPP-2011-0004. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line 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 [www.regulations.gov](http://www.regulations.gov) or e-mail. The [www.regulations.gov](http://www.regulations.gov) Web site 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 [www.regulations.gov](http://www.regulations.gov), your e-mail address will be automatically captured and included as part of the comment that is placed in the 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.

**Docket:** All documents in the docket are listed in the docket index available at <http://www.regulations.gov>. 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, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., 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 Facility telephone number is (703) 305-5805.

**FOR FURTHER INFORMATION CONTACT:** The Regulatory Action Leader listed at the end of each registration application summary. The mailing address for each contact person is: Biopesticides and Pollution Prevention Division, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### A. Does This Action Apply to Me?

You may be potentially affected by this action if you are an agricultural