

of \$ 0 for capital investment or maintenance and operational costs.

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

There is an increase of 114 hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. This increase reflects EPA's estimate of a greater number of potential respondents affected by the reporting requirement. This change is an adjustment.

#### V. 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. 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**.

#### List of Subjects

Environmental protection, Reporting and recordkeeping requirements.

Dated: October 5, 2011.

**Stephen A. Owens,**

*Assistant Administrator, Office of Chemical Safety and Pollution Prevention.*

[FR Doc. 2011-27612 Filed 10-24-11; 8:45 am]

**BILLING CODE 6560-50-P**

### ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-SFUND-2011-0585; FRL-9483-1]

#### Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Application for Reimbursement to Local Governments for Emergency Response to Hazardous Substance Releases Under CERCLA Section 123 (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 November 25, 2011.

**ADDRESSES:** Submit your comments, referencing Docket ID No. EPA-HQ-SFUND-2011-0585, to (1) EPA online using <http://www.regulations.gov> (our preferred method), by e-mail to [superfund.docket@epa.gov](mailto:superfund.docket@epa.gov), or by mail to: EPA Docket Center, Environmental Protection Agency, Superfund Docket, Mailcode: 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:** Lisa Boynton, Office of Solid Waste and Emergency Response, Office of Emergency Management, (5104A) Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; *telephone number:* 202-564-2487; *fax number:* 202-564-8729; *e-mail address:* [Boynton.Lisa@epa.gov](mailto:Boynton.Lisa@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 July 13, 2011 (76 FR 41242), 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-SFUND-2011-0585, which is available for online viewing at <http://www.regulations.gov>, or in person viewing at the Superfund 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 Superfund Docket is 202-566-0276.

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:* Application for Reimbursement to Local Governments for Emergency Response to Hazardous Substance Releases Under CERCLA section 123 (Renewal).

*ICR numbers:* EPA ICR No. 1425.08, OMB Control No. 2050-0077.

*ICR Status:* This ICR is scheduled to expire on October 21, 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, 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:* The Agency requires applicants for reimbursement under this program authorized under Section 123 of CERCLA to submit an application that demonstrates consistency with program eligibility requirements. This is necessary to ensure proper use of the Superfund. EPA reviews the information to ensure compliance with all statutory and program requirements. The applicants are local governments who have incurred expenses, above and beyond their budgets, for hazardous substance response. Submission of this information is voluntary and to the applicant's benefit.

*Burden Statement:* The annual public reporting and recordkeeping burden for this collection of information is estimated to average 9 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:* Local governments.

*Estimated Number of Respondents:* 60.

*Frequency of Response:* On occasion.

*Estimated Total Annual Hour Burden:* 540.

*Estimated Total Annual Cost:* \$9,990, includes no annualized capital or O&M costs.

*Changes in the Estimates:* There is an increase of 135 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This is due to expected growth in the number of respondents applying for reimbursement.

Dated: October 19, 2011.

**John Moses,**

*Acting Director, Collection Strategies Division.*

[FR Doc. 2011-27597 Filed 10-24-11; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9482-3]

### Notice of a Project Waiver of Section 1605 (Buy American Requirement) of the American Recovery and Reinvestment Act of 2009 (ARRA) to the Borough of Ocean Gate, NJ

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

**ACTION:** Notice.

**SUMMARY:** The EPA is hereby granting a project waiver of the Buy American requirements of ARRA Section 1605 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 Borough of Ocean Gate, New Jersey (Borough), for the purchase of a foreign manufactured 50 kW wind turbine generator that meets the Borough's design and performance specifications. This is a project specific waiver and only applies to the use of the specified product for the ARRA project being proposed. Any other ARRA

project that may wish to use the same product must apply for a separate waiver based on project specific circumstances. Based upon information submitted by the Borough and its consulting engineer, EPA has concluded that there are currently no domestic manufactured 50 kW wind turbines available in sufficient and reasonable quantity and of a satisfactory quality to meet the Borough's project design and performance specifications, and that a waiver is justified. The Regional Administrator is making this determination based on the review and recommendations of the State Revolving Fund Program Team. The Assistant Administrator of the Office of Administration and Resources Management has concurred on this decision to make an exception to Section 1605(a) of ARRA. This action permits the purchase of a foreign manufactured 50 kW wind turbine generator by the Borough, as specified in its June 6, 2011 waiver request.

**DATES:** *Effective Date:* August 8, 2011.

**FOR FURTHER INFORMATION CONTACT:**

Alicia Suárez, Environmental Engineer, (212) 637-3851, State Revolving Fund Program Team, Division of Environmental Planning and Protection, U.S. EPA, 290 Broadway, New York, NY 10007.

**SUPPLEMENTARY INFORMATION:**

In accordance with ARRA Sections 1605(c) and 1605(b) (2), 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 Borough for the purchase of a 50 kW wind turbine generator, manufactured by Atlantic Orient Corporation, that meets the Borough's design and performance specifications. EPA has evaluated the Borough's basis for the procurement of a foreign made wind turbine generator. Based upon information submitted by the Borough and its consulting engineer, EPA has concluded that there are currently no domestic manufactured 50 kW wind turbines available in sufficient and reasonable quantity and of a satisfactory quality to meet the Borough's project design and performance specifications.

Section 1605 of the ARRA requires that none of the appropriated funds may be used for the construction, alteration, maintenance, or repair of a public building or a public works project unless all of the iron, steel, and manufactured goods used in the project are produced in the United States, or unless a waiver is provided to the recipient by the head of the appropriate agency, here the EPA. A waiver may be

provided under Section 1605(b) of ARRA if EPA determines that (1) Applying these requirements would be inconsistent with public interest; (2) iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or (3) inclusion of iron, steel, and the relevant manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.

EPA has also evaluated the Borough's request to determine if its submission is considered late or if it could be considered timely, as per the Office of Management and Budget (OMB) regulations 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, 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 EPA could still apply discretion in these late cases as per the OMB regulations, which says "the award 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 EPA will still consider granting a waiver.

In this case, the contract for the construction and erection of a 50 kW wind turbine was awarded in December 2009. At the time of award the contractor was proposing the installation of an Entegrity 50 kW wind turbine. The contractor's bid was based on using the Entegrity unit. Shortly after the contract was awarded it was discovered that Entegrity Wind Systems had filed for bankruptcy and was possibly going into receivership. The bankruptcy proceedings carried on for about a year. The issue was further complicated because the matter was in the Canadian courts. Due to the uncertainty of which turbine would actually be installed the Borough and contractor waited until that decision was finalized. The contractor was given the start work order in November 2010. At that time the wind system to be used was confirmed and the necessary waiver was developed by the Borough. There is no indication that the Borough failed to request a waiver in order to avoid the requirements of ARRA, particularly