

*Abstract:* Section 1414(c)(3)(A) of the Safe Drinking Water Act requires that each state (a term that includes states, commonwealths and territories) that has primary enforcement authority under the Act shall prepare, make readily available to the public, and submit to the Administrator of EPA, an annual report of violations of national primary drinking water regulations in the State. These Annual State Public Water System Compliance Reports are to include violations of maximum contaminant levels, treatment requirements, variances and exemptions, and monitoring requirements determined to be significant by the Administrator after consultation with the states. To minimize a state's burden in preparing its annual statutorily-required report, EPA issued guidance that explains what Section 1414(c)(3)(A) requires and provides model language and reporting templates. EPA also annually makes available to the states a computer query that generates for each state (from information states are already separately required to submit to EPA's national database on a quarterly basis) the required violations information in a table consistent with the reporting template in EPA's guidance.

*Affected Entities:* Entities potentially affected by this action are states, tribes, and territories that have primary enforcement authority and meet the definition of "state" under the Safe Drinking Water Act (Act).

*Estimated Number of Respondents:* 56.

*Frequency of Response:* Annually.

*Estimated Total Annual Hour Burden:* 4,480 hours.

*Estimated Total Annual Cost:* \$280,000. This includes an estimated burden cost of \$280,000 and an estimated cost of \$0 for capital investment or maintenance and operational costs.

*Changes in the Estimates:* There is a decrease of 80 hours in the total estimated hour burden currently identified in the OMB inventory of Approved ICR Burden. This is due to the fact that the number of respondents included in the current approved ICR incorrectly counted the burden of the District of Columbia as a respondent, when that burden is done by EPA, not the District of Columbia. The hour burden for each respondent is estimated as 80 hours.

EPA will consider any comments received and may amend any of the above ICR, as appropriate. Then the final ICR packages will be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will

issue one **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR(s) to OMB and the opportunity to submit additional comments to OMB. If you have any questions about any of the above or the approval process, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: June 23, 2009.

**Lisa C. Lund,**

*Director, Office of Compliance.*

[FR Doc. E9-15683 Filed 7-1-09; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8925-6]

### American Recovery and Reinvestment Act of 2009 (Recovery Act) Clarification of April 30, 2009 Addendum to Supplemental Funding for Brownfields Revolving Loan Fund (RLF) Grantees

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

**ACTION:** Notice.

**SUMMARY:** EPA published a notice on April 30, 2009 concerning the applicability of Title XVI, section 1605 of the Recovery Act ("Buy American"), to loans and subgrants that would be made with approximately \$40 million in Recovery Act funding the Agency will use to supplement Revolving Loan Fund capitalization grants previously awarded competitively under section 104(k)(3) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). The April 30, 2009 notice stated that "remediation activities conducted with RLF supplemental funds by private sector developers, non-profit organizations or other non-governmental borrowers or subgrantees, and tribes, are not public buildings or public works for the purposes of the Buy American provision of the Recovery Act as implemented at subpart B of 2 CFR part 176." This notice clarifies that statement. If a non-governmental or tribal borrower or subgrantee uses RLF supplemental funds to remediate a public building or public work as defined by the Office of Management and Budget (OMB) regulations, the Buy American provision of the Recovery Act will apply to that loan or subgrant.

**DATES:** This action is effective July 2, 2009.

**FOR FURTHER INFORMATION CONTACT:** Debi Morey, U.S. EPA, Office of Solid Waste and Emergency Response, Office of

Brownfields and Land Revitalization, (202) 566-2735 or the appropriate Brownfields Regional Contact.

## SUPPLEMENTARY INFORMATION:

### Background

On February 17, 2009, President Barack Obama signed the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-05) (Recovery Act). Title XVI, section 1605 of the Recovery Act, ("Buy American") prohibits the use of Recovery Act funds for projects involving "the construction, alteration, maintenance or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States" unless certain specified exceptions apply. OMB has issued regulations at subpart B of 2 CFR part 176 implementing the Recovery Act Buy American provision.

EPA received \$100 million in Recovery Act appropriations for the CERCLA 104(k) Brownfields Program of which 25% must be used at brownfields sites contaminated with petroleum. As indicated in EPA's April 10, 2009 notice (74 FR 16386), the Agency has allocated approximately \$40 million of Recovery Act funds for supplemental funding of current RLF grantees as authorized by CERCLA 104(k)(4). On April 30, 2009, EPA issued a notice (74 FR 19954) regarding the applicability of the Buy American provision of the Recovery Act to this supplemental funding. The April 30 notice stated that, "It is possible that a limited amount of RLF supplemental funding will be used directly by non-federal governmental entity borrowers or subgrantees to install concrete or asphalt (or similar material) caps to remediate contamination on brownfields on a public building or public work, as defined at 2 CFR 176.140(a), or to construct alternative drinking water systems as part of the remedy at a brownfields site \* \* \*. Construction of alternate drinking water systems by a non-federal governmental entity with RLF supplemental funding would be a public work under 2 CFR 176.140(a) \* \* \*. Please note that in accordance with 2 CFR 176.140(a), remediation activities conducted with RLF supplemental funds by private sector developers, non-profit organizations or other non-governmental borrowers or subgrantees, and tribes are not public buildings or public works for the purposes of the Buy American provision of the Recovery Act as implemented at subpart B of 2 CFR part 176." Upon further review, EPA has determined that when a non-governmental borrower or subgrantee

uses RLF supplemental funds for remediation activities at a public building or to carry out a public work, the Buy American provisions of the Recovery Act apply. For example, if a private sector developer were to use an RLF loan to install a cap at a public building, the Buy American provisions of the Recovery Act would apply. Similarly, if a non-profit RLF subgrantee were to construct an alternate drinking water system connected to a public system as part of a remedial action at a brownfield site, the Buy American provisions of the Recovery Act would apply to the loan or subgrant. There may be other situations in which the Buy American provisions apply to the use of RLF supplemental funds by non-governmental borrowers and subgrantees for remediation activities at public buildings or public works as well.

Statutory and Executive Order Reviews: Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a “significant regulatory action” and is therefore not subject to OMB review. Because this grant action is not subject to notice and comment requirements under the Administrative Procedures Act or any other statute, it is not subject to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) or sections 202 and 205 of the Unfunded Mandates Reform Act of 1999 (UMRA) (Pub. L. 104-4). In addition, this action does not significantly or uniquely affect small governments. Although this action does not generally create new binding legal requirements, where it does, such requirements do not substantially and directly affect Tribes under Executive Order 13175 (63 FR 67249, November 9, 2000). Although this grant action does not have significant Federalism implications under Executive Order 13132 (64 FR 43255, August 10, 1999), EPA consulted with states in the development of these grant guidelines. This action is not subject to Executive Order 13211, “Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001), because it is not a significant regulatory action under Executive Order 12866. This action does not involve technical standards; thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The Congressional Review Act (5 U.S.C. 801 *et seq.*) generally provides that before certain

actions may take effect, the agency promulgating the action must submit a report, which includes a copy of the action, to each House of the Congress and to the Comptroller General of the United States. Since this grant action, when finalized, will contain legally binding requirements, it is subject to the Congressional Review Act, and EPA will submit its final action in its report to Congress under the Act.

Dated: June 23, 2009.

**David R. Lloyd,**

*Director, Office of Brownfields and Land Revitalization, Office of Solid Waste and Emergency Response.*

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## ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-8594-9]

### Environmental Impact Statements; Notice of Availability

*Responsible Agency:* Office of Federal Activities, General Information (202) 564-1399 or <http://www.epa.gov/compliance/nepa/>.

Weekly receipt of Environmental Impact Statements

Filed June 22, 2009 through June 26, 2009

Pursuant to 40 CFR 1506.9.

*EIS No. 20090215, Final EIS, AFS, MT,* Miller West Fisher Project, Proposes Land Management Activities, including Timber Harvest, Access Management, Road Storage and Decommissioning, Prescribed Burning and Precommercial Thinning, Miller Creek, West Fisher Creek and the Silver Butte Fisher River, Libby Ranger District, Kootenai National Forest, Lincoln County, MT, Wait Period Ends: 08/03/2009 Contact: Leslie McDougall 406-293-7773.

*EIS No. 20090216, Final EIS, COE, MS,* PROGRAMMATIC EIS—Mississippi Coastal Improvements Program (MsCIP), Comprehensive Plan, Implementation, Hancock, Harrison and Jackson Counties, MS, Wait Period Ends: 08/03/2009, Contact: Dr. Susan Ivester Rees 251-694-4141.

*EIS No. 20090217, Final EIS, AFS, AK,* Logjam Timber Sale Project, Proposes Timber Harvesting from 4 Land Use Designations, Tongass Land and Resource Management Plan, Thorne Bay Ranger District, Tongass National Forest, Prince of Wales Island, AK, Wait Period Ends: 08/03/2009, Contact: Frank Roberts 907-828-3250.

*EIS No. 20090218, Final EIS, NRC, PA,* GENERIC—License Renewal of

Nuclear Plants, Supplement 37 NUREG-1437, Regarding Three Mile Island Nuclear Station, Unit 1, Dauphin County, PA, Wait Period Ends: 08/03/2009, Contact: Sarah Lopas 301-415-1147.

*EIS No. 20090219, Final EIS, USA, GA,* Maneuver Center of Excellence at Fort Benning Project, Proposed Community Services, Personnel Support, Classroom Barracks, and Dining Facilities would be Constructed in three of the four Cantonment Areas, Fort Benning, GA, Wait Period Ends: 08/03/2009, Contact: Jennifer Shore 703-602-4238.

*EIS No. 20090220, Second Final Supplement, NOA, Amendment 10* Atlantic Mackerel, Squid, Butterfish Fishery Management Plan, Development of a Rebuilding Program that Allows Butterfish Stock to Rebuild in the Shortest Time Possible, Exclusive Economic Zone (EEZ), off the U.S. Atlantic Coast, Wait Period Ends: 08/05/2009, Contact: Patricia Kurkul 978-281-9250.

*EIS No. 20090221, Draft EIS, AFS, WI,* Northwest Sands Restoration Project, Restoring the Pine Barren Ecosystem, Implementation, Washburn District Ranger, Chequamegon-Nicolet National Forest, Bayfield County, WI, Comment Period Ends: 08/17/2009, Contact: Jennifer Maziasz 715-373-2667 ext. 235.

### Amended Notices

*EIS No. 20090190, Draft EIS, AFS, OR,* Wallowa-Whitman National Forest Travel Management Plan, Designate Roads Trails and Areas for Motor Vehicle User, Baker, Grant, Umatilla, Union and Wallowa Counties, OR, Comment Period Ends: 08/18/2009, Contact: Cindy Whitlock 541-962-8501 Revision to FR Notice Published 06/19/2009: Extending Comment Period from 08/17/2009 to 08/18/2009.

Dated: June 29, 2009.

**Robert W. Hargrove,**

*Director, NEPA Compliance Division, Office of Federal Activities.*

[FR Doc. E9-15693 Filed 7-1-09; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-8595-1]

### Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental