

the remedial phase of the Superfund program and in associated community involvement activities throughout the Superfund process.

**Title:** National Oil and Hazardous Substance Pollution Contingency Plan (NCP) (Renewal).

**ICR Numbers:** EPA ICR No. 1463.08, OMB Control No. 2050-0096.

**ICR Status:** This ICR is currently scheduled to expire on August 31, 2015.

**Abstract:** This Information Collection Request is a renewal ICR that covers the remedial portion of the Superfund program, as specified in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended (CERCLA) and the National Oil and Hazardous Substance Pollution Contingency Plan (NCP). All remedial actions covered by this ICR (e.g., remedial investigations/feasibility studies) are stipulated in the statute (CERCLA) and are instrumental in the process of cleaning up National Priorities List (NPL) sites to be protective of human health and the environment. Some community involvement activities covered by this ICR are not required at every site (e.g., Technical Assistance Grants) and depend very much on the community and the nature of the site and cleanup. All community activities seek to involve the public in the cleanup of the sites, gain the input of community members, and include the community's perspective on the potential future reuse of Superfund NPL sites. Community involvement activities can enhance the remedial process and increase community acceptance and the potential for productive and beneficial reuse of the sites.

**Burden Statement:** The annual public reporting and recordkeeping burden for this collection of information is estimated to average 13.84 hours per response.

The ICR provides a detailed explanation of the Agency's estimate, which is only briefly summarized here:

**Estimated total number of potential respondents:** 11,659.

**Frequency of response:** On occasion.

**Estimated total average number of responses for each respondent:** As required.

**Estimated total annual burden hours:** 179,615 hours.

**Estimated total annual costs:** \$813,440. This includes an estimated burden cost of \$261,440 for states and an estimated cost of \$552,000 for communities.

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

There is no change in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB.

### 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. At that time, 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**.

Dated: August 6, 2012.

**Bruce Means,**

*Acting Director, Assessment and Remediation Division, Office of Superfund Remediation and Technology Innovation.*

[FR Doc. 2012-19719 Filed 8-9-12; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9715-5]

### Delegation of Authority to the State of West Virginia To Implement and Enforce Additional or Revised National Emission Standards for Hazardous Air Pollutants and New Source Performance Standards

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

**ACTION:** Notice of delegation of authority.

**SUMMARY:** On June 22, 2012, EPA sent the State of West Virginia (West Virginia) a letter acknowledging that West Virginia's delegation of authority to implement and enforce National Emissions Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS) had been updated, as provided for under previously approved delegation mechanisms. To inform regulated facilities and the public of West Virginia's updated delegation of authority to implement and enforce NESHAP and NSPS, EPA is making available a copy of EPA's letter to West Virginia through this notice.

**DATES:** On June 22, 2012, EPA sent West Virginia a letter acknowledging that

West Virginia's delegation of authority to implement and enforce NESHAP and NSPS had been updated.

**ADDRESSES:** Copies of documents pertaining to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029. Copies of West Virginia's submittal are also available at the West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street SE., Charleston, West Virginia 25304. Copies of West Virginia's notice to EPA that West Virginia has updated its incorporation by reference of Federal NESHAP and NSPS, and of EPA's response, may also be found posted on EPA Region III's Web site at: <http://www.epa.gov/reg3airtd/airregulations/delegate/wvdelegation.htm>.

**FOR FURTHER INFORMATION CONTACT:** Ray Chalmers, (215) 814-2061, or by email at [chalmers.ray@epa.gov](mailto:chalmers.ray@epa.gov).

**SUPPLEMENTARY INFORMATION:** On June 6, 2012, West Virginia notified EPA that West Virginia has updated its incorporation by reference of Federal NESHAP and NSPS to include many such standards, to the extent referenced in the Code of Federal Regulations (CFR), Parts 60, 61, and 63, effective June 1, 2011. On June 22, 2012, EPA sent West Virginia a letter acknowledging that West Virginia now has the authority to implement and enforce the NESHAP and NSPS as specified by West Virginia in its notice to EPA, as provided for under previously approved automatic delegation mechanisms. All notifications, applications, reports and other correspondence required pursuant to the delegated NESHAP and NSPS must be submitted to both the US EPA Region III and to the West Virginia Department of Environmental Quality. A copy of EPA's letter to West Virginia follows:

"Mr. John Benedict, Director, Division of Air Quality, West Virginia Department of Environmental Protection, 601 57th Street, Charleston, West Virginia 25304

Dear Mr. Benedict: The United States Environmental Protection Agency (EPA) has previously delegated to the State of West Virginia (West Virginia) the authority to implement and enforce various federal National Emissions Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS), which are found at 40 C.F.R. Parts 60, 61 and 63.<sup>1</sup> In

<sup>1</sup> EPA has posted copies of these actions at: <http://www.epa.gov/reg3airtd/airregulations/delegate/wvdelegation.htm>

those actions EPA also delegated to West Virginia the authority to implement and enforce any future EPA NESHAP or NSPS on the condition that West Virginia legally adopt the future standards, make only allowed wording changes, and provide specified notice to EPA.

In a letter dated June 6, 2012, West Virginia informed EPA that West Virginia had updated its incorporation by reference of federal NESHAP and NSPS to include many such standards, to the extent referenced in 40 C.F.R. Parts 60, 61, and 63, effective June 1, 2011. West Virginia noted that it understood that it was automatically delegated the authority to implement these standards. West Virginia committed to enforcing the standards in conformance with the terms of EPA's previous delegations of authority. West Virginia made only allowed wording changes.

West Virginia provided copies of the revised West Virginia Legislative Rules which specify the NESHAP and NSPS which West Virginia has adopted by reference. These revised Legislative Rules are entitled 45 CSR 34—"Emission Standards for Hazardous Air Pollutants," and 45 CSR 16—"Standards of Performance for New Stationary Sources." These revised Rules have an effective date of June 1, 2012.

Accordingly, EPA acknowledges that West Virginia now has the authority, as provided for under the terms of EPA's previous delegation actions, to implement and enforce the NESHAP and NSPS standards which West Virginia has adopted by reference in West Virginia's revised Legislative Rules 45 CSR 34 and 45 CSR 16, both effective on June 1, 2012.

Please note that on December 19, 2008 in *Sierra Club vs. EPA*,<sup>2</sup> the United States Court of Appeals for the District of Columbia Circuit vacated certain provisions of the General Provisions of 40 C.F.R. Part 63 relating to exemptions for startup, shutdown, and malfunction (SSM). On October 16, 2009, the Court issued the mandate vacating these SSM exemption provisions, which are found at 40 C.F.R. Part 63, §§ 63.6(f)(1) and (h)(1).

Accordingly, EPA no longer allows sources the SSM exemption as provided for in the vacated provisions at 40 C.F.R. Part 63, §§ 63.6(f)(1) and (h)(1), even though EPA has not yet formally removed the SSM exemption provisions from the General Provisions of 40 C.F.R. Part 63. Because West Virginia incorporated 40 C.F.R. Part 63 by reference, West Virginia should also no longer allow sources to use the former SSM exemption from the General Provisions of 40 C.F.R. Part 63 due to the Court's ruling in *Sierra Club vs. EPA*.

EPA appreciates West Virginia's continuing NESHAP and NSPS enforcement efforts, and also West Virginia's decision to take automatic delegation of additional and more recent NESHAP and NSPS by adopting them by reference.

If you have any questions, please contact me or Ms. Kathleen Cox, Associate Director, Office of Permits and Air Toxics, at 215-814-2173.

Sincerely,

Diana Esher, Director  
*Air Protection Division*

This notice acknowledges the update of West Virginia's delegation of authority to implement and enforce NESHAP and NSPS.

Dated: August 1, 2012.

**Diana Esher,**

*Director, Air Protection Division, Region III.*

[FR Doc. 2012-19685 Filed 8-9-12; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-9004-4]

### Environmental Impacts Statements; Notice of Availability

*Responsible Agency:* Office of Federal Activities, General Information (202) 564-7146 or <http://www.epa.gov/compliance/nepa/>

Weekly receipt of Environmental Impact Statements

Filed 07/30/2012 Through 08/03/2012  
Pursuant to 40 CFR 1506.9.

### Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: <http://www.epa.gov/compliance/nepa/eisdata.html>.

### Information

Starting October 1, 2012, EPA will not accept paper copies or CDs of EISs for filing purposes; all submissions on or after October 1, 2012 must be made through e-NEPA.

While this system eliminates the need to submit paper or CD copies to EPA to meet filing requirements, electronic submission does not change requirements for distribution of EISs for public review and comment. To begin using e-NEPA, you must first register with EPA's electronic reporting site—[https://cdx.epa.gov/epa\\_home.asp](https://cdx.epa.gov/epa_home.asp)

**EIS No. 20120257, Final EIS, BR, CA,**  
San Joaquin River Restoration Program, A Comprehensive Long-Term Effort to Restore Flows to the San Joaquin River from Friant Dam to the Confluence of Merced River and Restore a Self-Sustaining Chinook Salmon Fishery in the River while Reducing or Avoiding Adverse Water Supply Impacts from Interim and Restoration Flows, Implementation, CA, Review Period Ends: 09/10/2012, Contact: Michelle Banonis 916-978-5457.

**EIS No. 20120258, Draft EIS, USN, CA,**  
LEGISLATIVE—Renewal of Naval Air Weapons Station China Lake Public Land Withdrawal, To Conduct Research, Development, Acquisition, Test and Evaluation Activities, Kern, Inyo, and San Bernardino Counties, CA, Comment Period Ends: 11/08/2012, Contact: Gene Beale 619-532-1027.

**EIS No. 20120259, Final EIS, MARAD, CA, ADOPTION—Middle Harbor Redevelopment Project, Funding, Port of Long Beach, Los Angeles County, CA, Review Period Ends: 09/10/2012,** Contact: Kristine Gilson 202-366-1969. The U.S. Department of Transportation's Maritime Administration (MARAD) has adopted the U.S. Corps of Engineers final EIS filed 5/21/2008. The MARAD was not a cooperating agency for the above final EIS. Recirculation of the document is necessary under Section 1506.3(b) of the Council on Environmental Quality Regulations.  
**EIS No. 20120260, Final EIS, USFS, NE.,** Allotment Management Planning in the McKelvie Geographic Area Project, Managing Livestock Grazing, Bessey Ranger District, Samuel R. McKelvie National Forest, Cherry County, NE., Review Period Ends: 09/10/2012, Contact: Michael Croxen 308-533-2257.

**EIS No. 20120261, Final EIS, USFS, CO,** Federal Coal Lease Modifications COC-1362 and COC 67232, Adding 800 and 921 Additional Acres, Paonia Ranger District, Grand Mesa, Uncompahgre and Gunnison National Forests, Gunnison County, CO, Review Period Ends: 09/10/2012, Contact: Niccole Mortenson 406-329-3163.

**EIS No. 20120262, Draft EIS, BR, CA,** San Luis Reservoir State Recreation Area Resource Management Plan/General Plan, Implementation, Vicinity of Los Banos, CA, Comment Period Ends: 10/05/2012, Contact: Dave Woolley 559-487-5049.

**EIS No. 20120263, Final EIS, USFS, BLM, CA,** Barren Ridge Renewable Transmission Project, Construct, Operate, Maintain and Upgrade 220kV Electrical Transmission Lines and Switching Stations, Kern and Los Angeles Counties, CA, Contact: Justin Seastrand, 626-574-5278(AFS) or Lynette Elser 951-697-5233(BLM).

The U.S. Department of Agriculture's Forest Service and the U.S. Department of the Interior's Bureau of Land Management are joint lead agencies for this project.

The U.S. Forest Service has a formally established appeal process which allows

<sup>2</sup> *Sierra Club v. EPA*, 551 F.3d 1019 (D.C. Cir. 2008)