

the data to track energy performance during the year.

The burden for applying to EPA for recognition is estimated to vary depending on the type of recognition. The burden is estimated to range up to 5 hours to apply for the ENERGY STAR. This includes the time for gathering information and completing/submitting the application materials. The burden is estimated to be about 3 hours to apply for the "Designed to Earn the ENERGY STAR." This includes the time for gathering and entering data into Target Finder and completing/submitting the application materials. The burden is estimated to range up to 17 hours for an organization to apply for an ENERGY STAR Award. This includes the time for preparing and submitting the application materials.

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:*

Organizations participating in ENERGY STAR in the Commercial and Industrial Sectors.

*Approximate Number of Respondents:* 18,000.

*Frequency of Response:* One-time, on occasion, monthly, annually, and/or periodically, depending on the type of respondent and collection.

*Estimated Total Annual Hour Burden:* 125,023.

*Estimated Total Annual Cost:* \$14,659,784, including \$8,694,520 in labor costs and \$5,965,264 in O&M costs. There are no capital/start-up costs to respondents.

*Changes in the Estimates:* There is an increase of 70,523 hours in the total estimated annual burden hours currently identified in the OMB Inventory of Approved ICR Burdens. Specifically, there is a 3,065-hour decrease due to program changes and a 73,588-hour increase due to adjustments resulting from program growth. This

resulted in a net increase of 70,523 hours.

Dated: December 24, 2009.

**Richard T. Westlund,**

*Acting Director, Collection Strategies Division.*

[FR Doc. E9-31277 Filed 1-4-10; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**[EPA-R05-OW-2009-0932, FRL-9100-6]**

**Agency Information Collection Activities; Proposed Collection; Comment Request; Great Lakes Accountability System; EPA ICR No. 2379.01, OMB Control No. 2005-NEW**

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

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA), this document announces that EPA is planning to submit a request for a new Information Collection Request (ICR) to the Office of Management and Budget (OMB). Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection described below.

**DATES:** Comments must be submitted on or before March 8, 2010.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R05-OW-2009-0932, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.

- *Mail:* Great Lakes Accountability System, Attn: Rita Cestaric, EPA, Great Lakes National Program Office, 77 W. Jackson St., Chicago, Illinois 60604.

- *Hand Delivery:* Great Lakes Accountability System, Attn. Rita Cestaric, EPA, Great Lakes National Program Office, 77 W. Jackson St., Chicago, Illinois 60604. Such deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4:30 p.m. Monday through Friday excluding legal holidays), and special arrangements should be made for delivery of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA-R05-OW-2009-0932. EPA's policy is that all comments received will be included in the public docket without change and may be available online 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 <http://www.regulations.gov>. The <http://www.regulations.gov> Web site is an "anonymous access" system, which

means EPA will not know your identity or contact information. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov> your e-mail address will be automatically captured and included as part of the comment that is placed in the public 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. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

**FOR FURTHER INFORMATION CONTACT:** Rita Cestaric, USEPA, Great Lakes National Program Office, 77 W. Jackson Boulevard, Chicago, Illinois 60604; telephone number: (312) 886-6815; fax number: (312) 697-2014; e-mail address: [cestaric.rita@epa.gov](mailto:cestaric.rita@epa.gov) or Marcia Damato, USEPA, Great Lakes National Program Office, 77 West Jackson Boulevard, Chicago, Illinois 60604; telephone number: (312) 886-0266; fax number: (312) 582-5862; e-mail address: [damato.marcia@epa.gov](mailto:damato.marcia@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**How Can I Access the Docket and/or Submit Comments?**

EPA has established a public docket for this ICR under Docket ID No. EPA-R05-OW-2009-0932, which is available for online viewing at <http://www.regulations.gov>, or in person viewing at USEPA, Great Lakes National Program Office, 77 West Jackson Boulevard, Chicago, Illinois 60604. Materials are available for viewing from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays; telephone number (312) 886-6815. An electronic version of the public docket is available at <http://www.regulations.gov>. This site can be used to obtain a copy of the draft collection of information, submit or

view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID number identified in this document EPA-R05-OW-2009-0932.

#### What Information Is EPA Particularly Interested in?

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

- (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;
- (ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (iii) Enhance the quality, utility, and clarity of the information to be collected; and
- (iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

#### What Should I Consider When I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible and provide specific examples.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Offer alternative ways to improve the collection activity.
6. Make sure to submit your comments by the deadline identified under **DATES**.
7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response.

You may also provide the name, date, and **Federal Register** citation.

#### What Information Collection Activity or ICR Does This Apply to?

*Affected entities:* Entities potentially affected by this action are state, local and tribal governments and non-government organizations receiving Great Lakes Restoration Initiative funding.

*Title:* Great Lakes Accountability System.

*ICR numbers:* EPA ICR No. 2379.01, OMB Control No. 2005-NEW.

*ICR status:* This ICR is for a new information collection activity. 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:* In 2010, EPA, in concert with its federal partners, will begin implementation of a new Great Lakes Restoration Initiative (GLRI) which was included in the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (Pub. L. 111-88). The GLRI will invest funds in programs and projects strategically chosen to target the most significant environmental problems in the Great Lakes ecosystem.

The legislation calls for increased accountability for the GLRI and directs EPA to implement a process to track, measure and report on progress. As part of this process, federal and non-federal entities receiving GLRI funds will be required to submit detailed information on GLRI projects as part of their funding agreement. Recipients will be required to provide project-level information on the nature of the activity, responsible organization, organizational point of contact, resource levels, geographic location, major milestones and progress toward GLRI goals. The information is necessary to provide an accurate depiction of activities, progress and results. Information would be entered and updated on at least a quarterly basis.

A Web-based Great Lakes Accountability System (GLAS) is being developed as the primary mechanism for collecting information on GLRI

activities. The Web site will contain a user-friendly data entry interface for recipients to enter and submit project information directly into the GLAS. The data entry interface will consist of a series of screens containing pull-down menus and text boxes, where users can enter project specific information. The GLAS will provide the necessary information for reports to the President and will be accessible to the public via Internet.

*Burden Statement:* The annual public reporting and recordkeeping burden for this collection of information is estimated to average 101.9 hours per response for state, local and tribal governments and 20.5 hours per response for non-governmental organizations. 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.

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

*Estimated total number of potential respondents:* 458 (358 state, local and tribal governments, 100 non-government organizations).

*Frequency of response:* Quarterly.

*Estimated average number of response cycles per year for each respondent:* 1.

*Estimated total annual burden hours:* 38,530.2 hours (101.9 hours per annual response cycle (i.e., four quarters) for state, local governments and tribal governments, 20.5 hours per annual response cycle for non-government organizations).

*Estimated total annual costs:* \$1,675,228.04. This includes an estimated burden cost of \$1,675,228.04 for labor and an estimated cost of \$0.00 for capital investment or maintenance and operational costs.

#### 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: December 30, 2009.

**Richard T. Westlund,**

*Acting Director, Collection Strategies Division.*

[FR Doc. E9-31408 Filed 1-4-10; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9100-7]

### Notice of a Project Waiver of Section 1605 (Buy American Requirement) of the American Recovery and Reinvestment Act of 2009 (ARRA) to Valley City, ND

**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 of a satisfactory quality] to Valley City, ND for the Zenon ZeeWeed 1000 membrane filter manufactured by General Electric Water & Process Technologies for a capacity of 4 MGD. This is a project-specific waiver and only applies to the use of the specified product for the ARRA-funded 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. These membrane filters are manufactured in Canada, and meet Valley City's performance specifications and requirements. The Acting Regional Administrator is making this determination based on the review and recommendation of EPA Region 8's Technical & Financial Services Unit. Valley City has provided sufficient documentation to support its request. The Assistant Administrator of the Office of Administration and Resources Management has concurred on this decision to make an exception to Section 1605 of ARRA. This action

permits the purchase of the Zenon ZeeWeed 1000 membrane filter for the Surface Water Treatment Plant upgrades being implemented by Valley City that may otherwise be prohibited under Section 1605(a) of the ARRA.

**DATES:** *Effective Date:* December 9, 2009.

**FOR FURTHER INFORMATION CONTACT:** Jody Ostendorf, ARRA Coordinator, (303) 312-7814, or Brian Friel, SRF Coordinator, (303) 312-6277, Technical & Financial Services Unit, Water Program, Office of Partnerships & Regulatory Assistance, U.S. EPA Region 8, 1595 Wynkoop St., Denver, CO 80202.

**SUPPLEMENTARY INFORMATION:** In accordance with ARRA Section 1605(c) and pursuant to Section 1605(b)(2) of Public Law 111-5, Buy American requirements, EPA hereby provides notice that it is granting a project waiver to Valley City for the Zenon ZeeWeed 1000 model of submerged membranes which are manufactured in Canada.

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 public work 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 EPA. A waiver may be provided if EPA determines that (1) applying these requirements would be inconsistent with the 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.

This manufactured good will be used as part of Valley City's Surface Water Treatment Plant renovation. Valley City states that only ZeeWeed 1000 submerged membranes meet the specific needs of this project, which requires a technology that can be installed into an existing basin previously used for pretreatment purposes. This basin will be retrofitted to house the ZeeWeed 1000 modules, thus taking advantage of the product's small footprint relative to other alternatives. The City provided a copy of the contractor's specifications that state the product must be manufactured by Zenon Environmental, Inc. or equivalent, and the product must meet certain performance standards for pH, turbidity, temperature, alkalinity,

hardness, sodium, sulfate, chloride, iron and manganese.

The City also provided a letter from an engineer with the State of North Dakota asserting a lack of domestic alternatives to the Zenon ZeeWeed 1000 submerged membranes. The letter states, "that the Zenon ZeeWeed 1000 membrane filter will be required to be used in Washburn and Valley City water treatment plant renovations because:

1. The Washburn and Valley City water treatment plant renovation projects will be using the existing infrastructure (existing filter bays) which require using the compact immersed vacuum membrane filters. Membrane filters for this waiver are as defined in the *EPA Membrane Filter Guidance Manual* for compliance under the LT2ESWTR. Zenon is the only manufacturer of immersed vacuum membranes that meet the required specifications. The Zenon ZeeWeed 1000 membrane cartilages are manufactured in Canada, but all the piping, pumps, etc. will be manufactured and assembled in America.

2. The Zenon ZeeWeed 1000 membrane meets the requirements of the LT2ESWTR of 3.5 log removal of *Giardia* and 4.0 log removal of *Cryptosporidium*.

3. To the best of our knowledge, there are no current domestic membrane manufacturers that meet the specifications of the ZeeWeed 1000 membrane. Any domestic alternative membrane process would require extensive renovation and/or building addition resulting in substantial cost increases."

Given this requirement by the State and in light of the reasonableness of the retrofit specification, Valley City did not have a basis to use an alternative compliance technology within the ARRA time requirements for SRF projects to be under contract or construction by February 17, 2010.

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 *reasonably available quantity* as "the quantity of iron, steel, or relevant manufactured good is available or will be available at the time needed and place needed, and in the proper form or specification as specified in the project plans and design."

The applicant met the procedures specified for the availability inquiry as appropriate to the circumstances by conducting on-line research and contacting suppliers, and all sources indicated that submerged ultrafiltration