

ready to meet the CARB standard in 2008.”¹⁴

II. Decision

EPA, based on the record of this proceeding, cannot find that CARB's Marine Tier II IB/SD protectiveness determination was arbitrary and capricious, that CARB does not need its own standards to meet compelling and extraordinary conditions, or that the CARB standards are inconsistent with section 209 of the Act. Therefore, EPA grants authorization for CARB to enforce the second tier of its regulations for IB/SD engines which set a level of 5.0 g/kW-hr HC plus NO_x and phases in beginning with 45% of manufacturers' sales in 2007, 75% in 2008, and 100% in 2009 and beyond. EPA has made this authorization decision based on the information submitted by CARB in its requests, and the information presented to the Agency at the public hearing and in the comments received after the hearing. A full explanation of EPA's decision, including our review of comments received, is contained in our Decision Document which may be obtained as explained above in the **ADDRESSES** section of this Notice.

My decision will affect not only persons in California but also persons outside the State who would need to comply with California's Marine Tier II IB/SD regulations to produce engines for introduction into commerce in California. For this reason, I hereby determine and find that this is a final action of national applicability.

Under section 307(b)(1) of the Act, judicial review of this final action may be sought only in the United States Court of Appeals for the District of Columbia Circuit. Petitions for review must be filed by July 5, 2011. Under section 307(b)(2) of the Act, judicial review of this final action may not be obtained in subsequent enforcement proceedings.

As with past waiver and authorization decisions, this action is not a rule as defined by Executive Order 12866. Therefore, it is exempt from review by the Office of Management and Budget as required for rules and regulations by Executive Order 12866.

In addition, this action is not a rule as defined in the Regulatory Flexibility Act, 5 U.S.C. 601(2). Therefore, EPA has not prepared a supporting regulatory flexibility analysis addressing the impact of this action on small business entities.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule, for purposes of 5 U.S.C. 804(3).

Finally, the Administrator has delegated the authority to make determinations regarding authorizations under section 209(e) of the Act to the Assistant Administrator for Air and Radiation.

Dated: April 26, 2011.

Gina McCarthy,

Assistant Administrator, Office of Air and Radiation.

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OW-2010-0782; ER-FRL-8996-7]

Initiation of Scoping for an Environmental Assessment (EA)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Initiation of Scoping.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) (42 U.S.C. 4321-4370h), the Council on Environmental Quality's NEPA regulations (40 CFR parts 1500-1508), and EPA's regulations for implementing NEPA (40 CFR part 6), EPA will prepare an Environmental Assessment (EA) to analyze the potential environmental impacts related to the reissuance of the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges from Construction Activities. The EA will evaluate the potential environmental impacts from the discharge of pollutants associated with stormwater runoff from construction activities greater than one acre, where EPA is the permitting authority. EPA will use the information in the EA to determine whether to prepare an Environmental Impact Statement (EIS).

This notice initiates the scoping process by inviting comments from Federal, State, and local agencies, Indian tribes, and the public to help identify the environmental issues and reasonable alternatives to be examined in the EA. The scoping process will inform the preparation of the EA, which will be made available for public comment.

DATES: Comments must be received by May 27, 2011.

ADDRESSES: You may submit scoping comments to the Docket ID No. EPA-

HQ-OW-2010-0782 by any of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments by clicking on "Help" or "FAQs."

- **Mail:** Attn: CGP Scoping Comments, U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Mail Code: 2252A, Washington, DC 20460.

- **Courier:** Attn: CGP Scoping Comments, U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Rm. #7241C, Washington, DC 20004, between 9 a.m. and 5 p.m. Eastern time, Monday through Friday, except Federal holidays.

- **Fax:** 202-564-0072, ATTN: CGP Scoping Comments.

Comments should be received within 30 days of the date of the publication of the Proposed Construction General Permit in the **Federal Register**. EPA's policy is that all comments received will be included in the public docket without change and may be made 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 unless you provide it in the body of your comment. 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 FURTHER INFORMATION CONTACT:

Jessica Trice, NEPA Compliance Division, Office of Federal Activities, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Mail Code: 2252A, Washington, DC 20460. Telephone: (202) 564-6646.

SUPPLEMENTARY INFORMATION: EPA is seeking public comment to determine the scope of environmental issues and

¹⁴ Letter from John McKnight, NMMA to Robert Doyle, EPA, dated May 11, 2007, Docket Entry EPA-HQ-OAR-2004-0403-0042.

reasonable alternatives to be addressed in the EA on the reissuance of the National Pollutant Discharge Elimination System (NPDES) general permit for stormwater discharges from construction activities that are greater than one acre. EPA invites the public to submit comments through Regulations.gov or by mail or fax to the address cited in the **ADDRESSES** section during the 30-day comment period following the publication of the Proposed Construction General Permit in the **Federal Register**.

Since 1992, EPA has issued a series of NPDES Construction General Permits (CGP) that cover areas where EPA is the permitting authority. At present, EPA is the permitting authority in four states (Idaho, Massachusetts, New Hampshire, and New Mexico), the District of Columbia, Puerto Rico, all U.S. territories with the exception of the Virgin Islands, federal facilities in four states (Colorado, Delaware, Vermont, and Washington), most Indian lands and a few other specifically designated activities in specific states (e.g., oil and gas activities in Texas and Oklahoma). EPA's current CGP became effective on June 30, 2008 (*see* 74 FR 40338) and will expire on June 30, 2011. (**Note:** On April 25, 2011, EPA proposed extending the expiration of the 2008 CGP until January 31, 2012. *See* 76 FR 22891.) On April 25, 2011, EPA proposed for public comment the draft National Pollutant Discharge Elimination System general permit for stormwater discharges from large and small construction activities. 76 FR 22882. The proposed permit would replace the 2008 CGP, as well as the 2003 CGP for construction sites still covered under that administratively continued permit. EPA proposes to issue the construction general permit for five (5) years, and to provide permit coverage to eligible existing and new construction projects in all areas of the country where EPA is the NPDES permitting authority.

EPA is currently planning to analyze two alternatives in the EA: No Action, that is not issuing the CGP; and the proposed action, which is issuing the draft CGP implementing the technology-based Effluent Limitation Guidelines and New Source Performance Standards (C&D Rule). The C&D Rule was issued by EPA for the construction and development industry on December 1, 2009. These requirements include (1) non-numeric effluent limitations that apply to all permitted discharges from construction sites in order to minimize the discharge of pollutants, and (2) a numeric effluent limit that applies to sites over 10 acres. The EA will analyze the potential environmental impacts of

both alternatives on threatened and endangered species, water quality, and historic properties.

Dated: April 28, 2011.

Robert W. Hargrove,
Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2011-10736 Filed 5-2-11; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted for Review and Approval to the Office of Management and Budget (OMB), Comments Requested

April 27, 2011.

SUMMARY: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202-395-5167 or the Internet at *Nicholas_A_Fraser@omb.eop.gov* and to the Federal Communications Commission's PRA mailbox (e-mail address: *PRA@fcc.gov*). Include in the e-mail the OMB control number of the collection as shown in the **SUPPLEMENTARY INFORMATION** section below, or if there is no OMB control number, include the Title as shown in the **SUPPLEMENTARY INFORMATION** section. If you are unable to submit your comments by e-mail, contact the person listed below to make alternate arrangements.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before June 2, 2011. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202-395-5167 or the Internet at *Nicholas_A_Fraser@omb.eop.gov*; and to the Federal Communications Commission's PRA mailbox (e-mail address: *PRA@fcc.gov*). Include in the email the OMB control number of the collection as shown in the **SUPPLEMENTARY INFORMATION** section below, or if there is no OMB control number, include the Title as shown in the **SUPPLEMENTARY INFORMATION** section. If you are unable to submit your comments by email, contact the person listed below to make alternate arrangements.

FOR FURTHER INFORMATION CONTACT:
Benish Shah, Office of Managing Director, (202) 418-7866.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060-1113.
Title: Commercial Mobile Alert System (CMAS).

Form No.: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 1,253 respondents; 1,253 responses.

Estimated Time per Response: .50 hours.

Frequency of Response: On occasion reporting requirement, recordkeeping requirement and third party disclosure requirements

Obligation To Respond: Mandatory. Statutory authority for this information collection is contained in 47 U.S.C. sections 151, 154(i), 154(j), 154(o), 218, 219, 230, 256, 302(a), 303(f), 303(g), 303(r), 403, 621(b)(3), and 621(d).

Total Annual Burden: 627 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: N/A.
Nature and Extent of Confidentiality: There is no need for confidentiality.

Needs and Uses: The Commission will submit this information collection (IC) to the OMB during this comment period. The Commission is seeking OMB approval for revision of this information collection.

The Commission is requesting OMB approval for a revision because on August 7, 2008, the FCC released a *Third Report and Order* in PS Docket No. 07-287, FCC 08-184 (*CMAS Third R&O*).

The *CMAS Third R&O* implements provisions of the Warning, Alert and Response Network ("WARN") Act, including inter alia, a requirement that within 30 days of release of the *CMAS Third R&O*, each Commercial Mobile Service (CMS) provider must file an election with the Commission indicating whether or not it intends to transmit emergency alerts as part of the Commercial Mobile Alert System (CMAS). The *CMAS Third R&O* noted that this filing requirement was subject to OMB review and approval. The Commission received "pre-approval" from the OMB on February 4, 2008. The Commission began accepting CMAS election filings on or before September 8, 2008.

All CMS providers are required to submit a CMAS election, including those that were not licensed at the time of the initial filing deadline with the FCC. In addition, any CMS provider choosing to withdraw its election must