RECEIVED
MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FEB 23 2012

FILED 2/23/12
DOCKETED 2/24/12
DATE INITIAL

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

| | |
|---|---|
| COOK INLETKEEPER, COOK INLET FISHERMEN'S FUND, NATIVE VILLAGE OF NANWALEK, NATIVE VILLAGE OF PORT GRAHAM, and UNITED COOK INLET DRIFT ASSOCIATION,<br><br>Petitioners,<br><br>v.<br><br>U.S. ENVIRONMENTAL PROTECTION AGENCY,<br><br>Respondent. | Case No.:<br><br>12-70572<br><br>**PETITION FOR REVIEW** |

Cook Inletkeeper, Cook Inlet Fishermen's Fund, the Native Village of Nanwalek, the Native Village of Port Graham, and United Cook Inlet Drift Association ("Petitioners") hereby petition this Court for review of the issuance of six effluent limits for produced water under the National Pollutant Discharge Elimination System ("NPDES") General Permit for Oil and Gas Exploration, Development and Production Facilities in State and Federal Waters in Cook Inlet, Permit No. AKG–31–5000 ("Permit"), signed by Michael A. Bussell, Director of the Office of Water and Watersheds in Region 10, of the U.S. Environmental

Protection Agency ("Respondent") on November 7, 2011. A copy of the Federal Register Notice, 76 Fed. Reg. 68749, is attached to this Petition.

Jurisdiction and venue are proper pursuant to 33 U.S.C. § 1369(b)(1)(F).

This Petition is timely filed under 33 U.S.C. § 1369(b)(1)(F) because it is filed within 120 days of the date Respondent issued the Permit.

Dated: February 22, 2012

Respectfully submitted,

Victoria Clark (AK Bar No. 0401001)
TRUSTEES FOR ALASKA
1026 West 4th Avenue, Suite 201
Anchorage, AK 99501-1980
Phone: (907) 276-4244
Fax: (907) 276-7110
vclark@trustees.org

Attorneys for Petitioners

applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

*Abstract:* Individuals and businesses importing on and off-road motor vehicles, motor vehicle engines, or nonroad engines, including nonroad engines incorporated into nonroad equipment or nonroad vehicles, report and keep records of vehicle and engine importations, request prior approval for vehicle and engine importations, or request final admission for vehicles and engines conditionally imported into the U.S. The collection of this information is mandatory in order to ensure compliance of nonroad vehicles and engines with Federal emissions requirements. Joint EPA and Customs regulations at 40 CFR 85.1501 *et seq.*, 89.601 *et seq.*, 90.601 *et seq.*, 91.703 *et seq.*, 92.803 *et seq.*, 94.803 *et seq.*, 1068.301 *et seq.*, and 19 CFR 12.73 and 12.74 promulgated under the authority of Clean Air Act Sections 203 and 208 give authority for the collection of information. This authority was extended to nonroad engines and vehicles under section 213. The information is used by program personnel to help ensure that all Federal emission requirements concerning imported motor vehicles and nonroad engines are met. Any information submitted to the Agency for which a claim of confidentiality is made will be safeguarded according to policies set forth in Title 40, Chapter 1, part 2, subpart B—Confidentiality of Business Information (see 40 CFR 2.201 *et seq.*). The public is not permitted access to information containing personal or organizational identifiers.

*Burden Statement:* The annual public reporting and recordkeeping burden for this collection of information is estimated to average 0.5 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:* Individual importers and companies who import, or import and manufacture, nonroad engines and recreational vehicles.

*Estimated Number of Respondents:* 4,801.

*Frequency of Response:* Once per entry. (One form per shipment may be used.) .

*Estimated Total Annual Hour Burden:* 6,029.

*Estimated Total Annual Cost:* $299,481. This includes an estimated burden cost of $261,479 and an estimated cost of $38,002 for capital investment or maintenance and operational costs.

*Changes in the Estimates:* There are no changes in the number of hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. Form 3520–21 has remained relatively unchanged since the previous renewal and therefore the burden for filling in the form remains unchanged.

Dated: November 1, 2011.

**John Moses,**

*Director, Collection Strategies Division.*

[FR Doc. 2011–28762 Filed 11–4–11; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

**[Permit No. AKG–31–5000; FRL–9486–6]**

## Effluent Limits Under the NPDES General Permit for Oil and Gas Exploration, Development and Production Facilities Located in State and Federal Waters in Cook Inlet, AK

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

**ACTION:** Notice.

**SUMMARY:** EPA Region 10 today issues a final action for six effluent limits for produced water under the National Pollutant Discharge Elimination System (NPDES) General Permit for Oil and Gas Exploration, Development and Production Facilities in State and Federal Waters in Cook Inlet, Permit No. AKG–31–5000 (Permit). The effluent limits subject to the final action are: mercury, copper, total aromatic hydrocarbons (TAH), total aqueous hydrocarbons (TAqH), silver, and whole effluent toxicity (WET), pursuant to the provisions of the Clean Water Act (CWA or "the Act"), 33 U.S.C. 1251. The Permit continues to allow facilities to apply for permit coverage for exploration, development, and production facilities in Cook Inlet, Alaska that are included in the Coastal and Offshore Subcategories of the Oil and Gas Extraction Point Source Category.

*State Certification:* Section 401 of the Act, 33 U.S.C. 1341, requires EPA to seek a certification from the State that the conditions of the Permit are stringent enough to comply with State water quality standards. EPA obtained a final CWA Section 401 Certification from the Alaska Department of Environmental Conservation (ADEC) on o.

**DATES:** The final Permit action shall become effective on December 7, 2011.

*Comments.* On May 18, 2011, EPA re-proposed the six produced water effluent limits and ADEC's draft certification for public review in the **Federal Register**. The comment period ended on June 20, 2011. All comments received, and EPA's responses, are summarized in the Response to Comments document.

**ADDRESSES:** Copies of the final Permit action, Response to Comment document, and final 401 certification are available by contacting *Washington.Audrey@epa.gov*, (206) 553–0523 and posted on EPA's Web site at: *http://yosemite.epa.gov/r10/water.nsf/NPDES+Permits/Permits+Homepage.*

**FOR FURTHER INFORMATION CONTACT:** Hanh Shaw, Office of Water and Watersheds, U.S. Environmental Protection Agency, Region 10, 1200 6th Avenue, Suite 900, Mail Stop OWW–130, Seattle, WA 98101–3140, (206) 553–0171, *Shaw.Hanh@epa.gov.*

*Appeal of Final Permit Action:* Any interested person may appeal the final Permit action in the Federal Court of Appeals in accordance with Section 509(b)(1) of the Act, 33 U.S.C. 1369(b)(1). This appeal must be filed within 120 days of the final Permit action effective date.

**Authority:** This action is taken under the authority of Section 402 of the Clean Water Act as amended, 42 U.S.C. 1342. I hereby provide public notice of the final Permit action in accordance with 40 CFR 124.10.

Dated: October 28, 2011.

**Michael A. Bussell,**

*Director, Office of Water and Watersheds Region 10.*

[FR Doc. 2011–28785 Filed 11–4–11; 8:45 am]

BILLING CODE 6560–50–P

RECEIVED
MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FEB 23 2012
FILED 2/23/12
DOCKETED 2/24/12
DATE INITIAL

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

| | |
|---|---|
| COOK INLETKEEPER, COOK INLET FISHERMEN'S FUND, NATIVE VILLAGE OF NANWALEK, NATIVE VILLAGE OF PORT GRAHAM, and UNITED COOK INLET DRIFT ASSOCIATION,<br><br>Petitioners,<br><br>v.<br><br>U.S. ENVIRONMENTAL PROTECTION AGENCY,<br><br>Respondents. | Case No.:<br><br>12-70572<br><br>**CORPORATE DISCLOSURE STATEMENT** |

Cook Inletkeeper, Cook Inlet Fishermen's Fund, and United Cook Inlet Drift Association have no parent corporations or publicly held corporations that own 10% or more of their respective stock.

The Native Village of Nanwalek and Native Village of Port Graham are Tribes recognized by the United States.

Dated: February 22, 2012

Respectfully submitted,

Victoria Clark (AK Bar No. 0401001)

TRUSTEES FOR ALASKA
1026 West 4th Avenue, Suite 201
Anchorage, AK 99501-1980
Phone: (907) 276-4244
Fax: (907) 276-7110
vclark@trustees.org

Attorneys for Petitioners