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**Abstract:** This Information Collection Request (ICR) renewal supports activities to implement the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), Subpart J (40 CFR 300.900), "Use of Dispersants and Other Chemicals."

The use of bioremediation agents, dispersants, surface washing agents, surface collecting agents and miscellaneous oil spill control agents in response to oil spills in U.S. waters or adjoining shorelines is governed by Subpart J of the NCP regulation (40 CFR 300.900). Subpart J requirements include criteria for listing oil spill mitigating agents on the NCP Product Schedule, hereafter referred to as the Schedule. EPA's regulation, which is codified at 40 CFR 300.00, requires that EPA prepare a schedule of "dispersants, other chemicals, and other spill mitigating devices and substances, if any, that may be used in carrying out the NCP." The Schedule is required by section 311(d)(2)(G) of the Clean Water Act (CWA), as amended by the Oil Pollution Act of 1990. The Schedule is used by Federal On-Scene Coordinators (FOSCs), Regional Response Teams (RRTs), and Area Planners to identify spill mitigating agents in preparation for and response to oil spills.

Under Subpart J, manufacturers who want to add a product to the Schedule must submit technical product data to the EPA as stipulated in 40 CFR 300.915. Subpart J requires the manufacturer to conduct specific toxicity and effectiveness tests and submit the corresponding technical product data along with other detailed information to the EPA Office of Emergency Management, Office of Land and Emergency Management. The Schedule is available to Federal On-Scene Coordinators (FOSCs), Regional Response Teams (RRTs), and Area Committees for helping them select the most appropriate products to use in various spill scenarios.

As of November 2019, the Product Schedule included 105 manufacturers and 122 products (27 bioremediation agents, 19 dispersants, 17 miscellaneous oil spill control agents, two surface collecting agents, and 57 surface washing agents). EPA estimates that each year of this ICR renewal period, nine manufacturers will apply to list a total of nine products on the Schedule. Therefore, over the three-year period

covered by this ICR renewal, EPA estimates an additional 27 products may be listed. Additionally, EPA estimates that eight manufacturers will submit product information to EPA to obtain a sorbent certification letter annually.

At 40 CFR 300.920(c), respondents may claim certain information in the technical product data submissions as confidential business information. EPA will handle such claims pursuant to the provisions in 40 CFR part 2, subpart B. Such information must be submitted separately from non-confidential information, clearly identified, and clearly marked "Confidential Business Information." If the applicant fails to make such a claim at the time of submittal, EPA may make the information available to the public without further notice.

**Forms:** None.

**Respondents/affected entities:** Respondents include, but are not limited to, manufacturers of bioremediation agents, dispersants, surface collecting agents, surface washing agents, miscellaneous oil spill control agents, sorbents and other chemical agents and biological additives used as countermeasures against oil spills.

**Respondent's obligation to respond:** Required to obtain or retain a benefit (40 CFR 300.900).

**Estimated number of respondents:** 9 (total).

**Frequency of response:** Each manufacturer responds once per product submittal.

**Total estimated burden:** 310 hours (per year). Burden is defined at 5 CFR 1320.03(b).

**Total estimated cost:** \$95,400 (per year), includes \$22,400 in operation & maintenance costs.

**Changes in Estimates:** EPA anticipates a slight decrease of five hours in the annual burden hours under this ICR renewal. EPA increased the respondent burden hours by 20 percent in response to manufacturer feedback obtained during the consultation process. However, because EPA estimates that fewer respondents will submit information to EPA to have a product listed on the Schedule, in addition to fewer sorbent manufacturers submitting products for certification, the overall annual burden estimate has decreased slightly for this ICR renewal period.

**Courtney Kerwin,**

*Director, Regulatory Support Division.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-10014-07-OAR]

### Administration of Cross-State Air Pollution Rule Trading Program Assurance Provisions for 2019 Control Periods

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

**ACTION:** Notice of data availability.

**SUMMARY:** The Environmental Protection Agency (EPA) is providing notice of the availability of data on the administration of the assurance provisions of the Cross-State Air Pollution Rule (CSAPR) trading programs for the control periods in 2019. Total emissions of nitrogen oxides (NO<sub>x</sub>) reported by Mississippi units participating in the CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program during the 2019 control period exceeded the state's assurance level under the program. Data demonstrating the exceedance and EPA's final calculations of the amounts of additional allowances that the owners and operators of certain Mississippi units must surrender have been posted in a spreadsheet on EPA's website.

**DATES:** August 28, 2020.

#### FOR FURTHER INFORMATION CONTACT:

Questions concerning this notice should be addressed to Garrett Powers at (202) 564-2300 or [powers.jamesg@epa.gov](mailto:powers.jamesg@epa.gov).

**SUPPLEMENTARY INFORMATION:** The regulations for each CSAPR trading program contain "assurance provisions" designed to ensure that the emissions reductions required from each state covered by the program occur within the state. If the total emissions from a given state's affected units exceed the state's assurance level under the program, then two allowances must be surrendered for each ton of emissions exceeding the assurance level (in addition to the ordinary obligation to surrender one allowance for each ton of emissions). In the quarterly emissions reports covering the 2019 control period, Mississippi units participating in the CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program collectively reported emissions that exceed the state's assurance level under the program by 473 tons, resulting in a requirement for the surrender of 946 additional allowances.

When a state's assurance level is exceeded, responsibility for surrendering the required additional allowances is apportioned among groups of units in the state represented by "common designated

representatives” based on the extent to which each such group’s emissions exceeded the group’s share of the state’s assurance level. For the CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program, the procedures are set forth at 40 CFR 97.802 (definitions of “common designated representative,” “common designated representative’s assurance level,” and “common designated representative’s share”), 97.806(c)(2), and 97.825. Applying the procedures in the regulations for the 2019 control period for Mississippi, EPA completed calculations preliminarily indicating that responsibility for surrendering 946 additional allowances should be apportioned entirely to the group of units operated by Mississippi Power Company, all of which are represented by one common designated representative.

On May 15, 2020, EPA published a document in the **Federal Register** providing notice of the data relied on to determine the amount of the exceedance of the Mississippi assurance level and the preliminary calculations of the amounts of additional allowances that the owners and operators of certain Mississippi units must surrender as a result of the exceedance and describing the process for submitting any objections (85 FR 29445). In response to the May 15, 2020 notice, EPA received one written submission which supported EPA’s proposed administration of the assurance provisions.<sup>1</sup> Accordingly, in this document, EPA is providing notice of the final calculations of the amounts of additional allowances that must be surrendered, which are unchanged from the preliminary calculations. Each set of owners and operators identified pursuant to this notice of the final calculations must hold the required additional allowances in an assurance account by November 2, 2020.

The data and final calculations are set forth in an Excel spreadsheet entitled “2019\_CSAPR\_assurance\_provision\_calculations\_final.xlsx” available at <http://www.epa.gov/csapr/csapr-assurance-provision-nodas>. The spreadsheet contains data for the 2019 control period showing, for each Mississippi unit identified as affected under the CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program, the amount of NO<sub>x</sub> emissions reported by the unit and the amount of CSAPR NO<sub>x</sub> Ozone Season Group 2 allowances allocated to

the unit, including any allowances allocated from a new unit set-aside. The spreadsheet also contains calculations for the 2019 control period showing the total NO<sub>x</sub> emissions reported by all such units and the amount by which the total reported NO<sub>x</sub> emissions exceeded the state’s assurance level under the program. Finally, the spreadsheet also includes calculations for the 2019 control period showing, for each common designated representative for a group of such units in the state, the common designated representative’s share of the total reported NO<sub>x</sub> emissions, the common designated representative’s share of the state’s assurance level, and the amount of additional CSAPR NO<sub>x</sub> Ozone Season Group 2 allowances that the owners and operators of the units in the group must surrender.

**Authority:** 40 CFR 97.825(b).

**Reid P. Harvey,**

*Director, Clean Air Markets Division, Office of Atmospheric Programs, Office of Air and Radiation.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL–10013–99–Region 9]

### Public Water System Supervision Program Revisions for the Navajo Nation

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

**ACTION:** Notice of tentative approval.

**SUMMARY:** Notice is hereby given that the Navajo Nation revised its approved Public Water System Supervision (PWSS) Program under the federal Safe Drinking Water Act (SDWA) by adopting the Arsenic Rule, Consumer Confidence Report (CCR) Rule, Filter Backwash Recycling Rule (FBRR), Lead and Copper Rule—Minor Revisions (LCR–MR), and Stage 1 Disinfectants and Disinfection Byproducts (DBP) Rule. The Environmental Protection Agency (EPA) has determined that these revisions by the Navajo Nation are no less stringent than the corresponding Federal regulations and otherwise meet applicable SDWA primacy requirements. Therefore, the EPA intends to approve these revisions to the Navajo Nation’s PWSS Program.

**DATES:** Request for a public hearing must be received on or before September 28, 2020.

**ADDRESSES:** Information submitted by the Navajo Nation relating to this

determination are available for inspection on <http://www.navajoepa.org>. If there are issues with accessing the website, contact Yolanda Barney, Navajo PWSS Program, via telephone at (928) 871–7715; or via email at [ybarney@navajopublicwater.org](mailto:ybarney@navajopublicwater.org).

#### FOR FURTHER INFORMATION CONTACT:

Bessie Lee, EPA Region 9, Drinking Water Section (WTR–4–1), 75 Hawthorne Street, San Francisco, CA 94105; via telephone at (415) 972–3776; or via email address at [lee.bessie@epa.gov](mailto:lee.bessie@epa.gov).

#### SUPPLEMENTARY INFORMATION:

**Background.** The EPA approved the Navajo Nation’s original application for PWSS Program primary enforcement authority on October 23, 2000 (65 FR 66541). Primacy states such as the Navajo Nation must adopt and submit for approval to EPA all new and revised national primary drinking water regulations. Since that initial approval, EPA has worked with the Navajo Nation to review and approve various revisions to Navajo’s primacy program. For the revisions covered by this action, EPA published the latest iteration of the Arsenic Rule in the **Federal Register** on January 22, 2001 (66 FR 6976) and promulgated this rule at 40 CFR part 141 Subpart G; published the CCR Rule on August 19, 1998 (63 FR 44512) and promulgated this rule at 40 CFR part 141 Subpart O; published the FBRR on June 8, 2001 (66 FR 31086) and promulgated this rule at 40 CFR part 141 Subpart P; published the LCR–MR to the 1991 Lead and Copper Rule on January 12, 2000 (65 FR 1950) and promulgated at 40 CFR part 141 Subpart I; and published the Stage 1 DBP Rule on December 16, 1998 (63 FR 69390) and promulgated this rule at 40 CFR part 141 Subpart L. The Navajo Nation has incorporated these federal drinking water rules *by reference* into its Navajo Nation Primary Drinking Water Regulations (NNPDWRs), and therefore they parallel the federal requirements. The relevant citations to the NNPDWRs are: Part IV for the Arsenic Rule, Part XII for the CCR Rule, Part VIII for the FBRR, Part VII for the LCR–MR, and Part XI for the Stage 1 DBP Rule. These are the primacy revisions that the EPA Region 9 tentatively approves as part of the Navajo PWSS Program.

**Public Process.** Any interested party may request a public hearing on this determination. A request for a public hearing must be submitted by September 28, 2020, to the Regional Administrator (RA) of EPA Region 9, to the address shown above. Please note on the mailing envelope “Request for

<sup>1</sup> The submission also contained statements generally advocating for more stringent regulatory requirements. These additional statements are outside the scope of this ministerial action to administer the assurance provisions in the existing CSAPR regulations.