

THE NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN REGULATION, SUBPART J (40 CFR 300.900)

1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title of the Information Collection

The National Oil and Hazardous Substances Pollution Contingency Plan Regulation, Subpart J (40 CFR 300.900) (Renewal).
(EPA ICR # 1664.12, OMB # 2050-0141)

1(b) Short Characterization/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 300.900, 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 and response to oil spills.

Under 40 CFR 300.915, Subpart J requires manufacturers who wish to list a product on the Schedule to conduct specific toxicity and effectiveness tests and submit the corresponding technical product data, along with other detailed information, to the EPA Oil Program Center in the Office of Emergency Management, Office of Land and Emergency Management [formerly the Office of Solid Waste and Emergency Response (OSWER)]. For example, a dispersant must exceed the 50 percent (± 5 percent) efficacy threshold in order to be listed on the Schedule. EPA lists oil spill mitigating agents on the Schedule if all the required data are submitted, the product satisfies all requirements and meets or exceeds testing thresholds. The Schedule helps FOSCs, RRTs, and Area Committees select the most appropriate products to use in various spill scenarios.

Products currently listed on the Schedule are divided into five basic categories: dispersants, surface washing agents, surface collecting agents, bioremediation agents, and miscellaneous oil spill control agents. 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 manufacturers will apply to list nine products on the Schedule each year, including two bioremediation agents, two

dispersants, two miscellaneous oil spill control agents, one surface collecting agent, and two surface washing agents. Therefore, over the three-year period covered by this ICR renewal, EPA estimates an additional 27 products may be listed (six bioremediation agents, six dispersants, six miscellaneous oil spill control agents, three surface collecting agents, and six surface washing agents). Additionally, EPA estimates that approximately eight manufacturers will submit information to obtain sorbent certifications. EPA estimates the annual public reporting burden to be 310 hours. EPA estimates the total annual cost to manufacturers, including labor and non-labor costs, under Subpart J to be \$95,400.

On January 22, 2015, EPA published a proposed rule in the Federal Register (80 FR 3380) to amend Subpart J of the NCP. The proposed amendments are a major component of EPA's effort to inform the use of dispersants and other chemical or biological agents when responding to oil discharges. The proposed amendments incorporated lessons learned from the federal government's experiences in the Gulf. They also addressed recommendations specific to agent testing and use in response to oil discharges from the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling Report to the President. Key areas addressed in the proposed amendments include authorization of use requirements for chemical agents, toxicity and efficacy testing protocols for listing products on the Subpart J Product Schedule and proposed new monitoring requirements for subsea or prolonged surface application of dispersants. The Agency received more than 80,000 total public comment submissions from industry, academia, state/local governments, environmental groups and individuals. A copy of the Proposed Subpart J rule and accompanying ICR can be found in the EPA docket: EPA-HQ-OPA-2006-0090, where future Agency actions will be posted. The proposed rule has a separate ICR (ICR No. 1664.10, OMB No. 2050-0141) which covers the proposed amendments. This ICR renewal (ICR No. 1664.12) applies to the current existing Subpart J rule promulgated in 1994.

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

Section 311(d)(2)(G) of the Clean Water Act (CWA) requires a Schedule identifying "dispersants, other chemicals, and other spill mitigating devices and substances, if any, that may be used in carrying out" the NCP. The authority of the President to implement the CWA is currently delegated to EPA by Executive Order 12777 (56 FR 54757, October 18, 1991). The use of dispersants, other chemical agents, and biological additives to respond to oil spills in U.S. waters is governed by Subpart J of the NCP (40 CFR 300.900).

The Schedule is available for use by FOSCs, RRTs, and Area Committees to help them select the most appropriate products to use and identify those products whose use is prohibited in various spill scenarios. Under 40 CFR 300.910(a), RRTs and Area Committees are required to address the desirability of using the products on the Schedule in their Regional Contingency Plans (RCPs) and Area Contingency Plans (ACPs), respectively. The information and data manufacturers are required to submit to

EPA enables the FOSCs, RRTs, and Area Committees to make informed decisions to safely employ chemical/biological countermeasures to control oil discharges. Correct product use is critical in emergency situations. Subpart J ensures that FOSCs, RRTs, and Area Committees have up-to-date data regarding the toxicity, effectiveness, and other characteristics of those products they could potentially use in the event of a spill.

A manufacturer who wishes to have a product listed on the Schedule must conduct specific toxicity and effectiveness tests and submit the corresponding technical product data and other required information to the EPA Product Schedule Manager. EPA has established an effectiveness threshold for listing dispersants (40 CFR 300.920(a)(2)). Only those dispersants that meet or exceed the established threshold will be listed on the Schedule.

At 40 CFR 300.915(d), EPA requires respondents to test bioremediation agents for effectiveness, using the testing protocol contained in Appendix C to part 300. The Bioremediation Agent Effectiveness Test is used to compare the effectiveness of different bioremediation agents. The test provides empirical laboratory evidence that evaluates a bioremediation agent's ability to enhance biodegradation as compared to the natural population.

2(b) Practical Utility/Users of the Data

EPA places qualified oil spill mitigating agents on the Schedule if the manufacturer submits all the required data. The Schedule is available for use by FOSCs, RRTs, and Area Committees in determining the most appropriate products to use in various spill scenarios. Under 40 CFR 300.910(a), RRTs and Area Committees are required to address the desirability of using the products on the Schedule in their RCPs and ACPs, respectively. The information needed from the respondent so that the FOSCs, RRTs, and Area Committees can make informed decisions to safely employ chemical/biological countermeasures to control oil discharges. Correct product use is critical in emergency situations. Subpart J ensures that FOSCs, RRTs, and Area Committees have the necessary data regarding the toxicity, effectiveness, and other product characteristics so that they are able to select the most appropriate product to use under various spill scenarios.

3. NON-DUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Non-duplication

Manufacturers do not report this information to any other federal agency, and this is the only national level list of its kind; therefore, there is no duplication.

3(b) Public Notice Required Prior to ICR Submission to the Office of Management and Budget (OMB)

A notice announcing a public comment period for the renewal of this ICR was published in the Federal Register (FR) on November 27, 2019 (84 FR 65386). The

public comment period ended on January 27, 2020. The Agency received three comments. Two comments were submitted anonymously; one was not germane to the rule and the other had no text (e.g., was blank). A third comment was submitted by Little Traverse Bay Bands of Odawa Indians (LTBB) in Michigan. The LTBB expressed a desire to participate in EPA's decision-making process to add more oil spill mitigating agents to the Schedule, including decisions that affect tribal territories. The LTBB also would like tribes that are not part of their Regional Response Team (RRT) to have access to the Schedule so that they are informed about any of the agents that are used on or near their territories in the event of an oil spill. EPA's response is that while product listing is an EPA regulatory activity (inherent government duty) that includes required testing and submission of data requirements, the LTBB has the right to prohibit use of any products on lands or waters within their tribal jurisdiction. The decision to use products is made on the scene with input from the RRT. The LTBB also can be included in decisions (as part of unified command and or as responders) to use products when they have jurisdiction (treaty rights) over the water bodies or they have traditional/customary use of the water, such as fishing rights. In addition, the LTBB will have the opportunity to provide input on any future Subpart J rulemakings through the Tribal Consultation process.

3(c) Consultations

In developing this NCP Subpart J renewal ICR, EPA consulted with other federal agencies; FOSCs, Schedule experts, state agencies, both international and domestic technical experts, and various commercial laboratories and product manufacturers. EPA made an extensive effort to contact three laboratories and five manufacturers; however, ultimately, EPA was able to obtain input from only a limited number of respondents. One laboratory responded to requests for feedback on costs of Subpart J testing services. Three manufacturers (two bioremediation agent manufacturers, and one manufacturer who produces a dispersant and two surface washing agents) provided input on labor hours expended for complying with Subpart J data requirements. Based on higher operation and maintenance (O&M) provided by the laboratory and respondent burden estimates provided by the manufacturers compared to the expiring ICR, EPA made changes to the supporting statement for this ICR renewal. Both bioremediation agent manufacturers confirmed the effectiveness test cost of \$18,000. In addition, the three product manufacturers provided labor estimates that were higher than those in the expiring ICR; however, the respondents provided elapsed time periods (e.g., spent one week reading the rule) and not actual hours spent on the activities. In response to feedback received during the consultations, EPA is increasing labor hour estimates by 20 percent across the data collection activities for each product category.

During the consultation process, respondents informed EPA that the majority of manufacturers do not conform to the standard distribution of labor (i.e., managerial, technical, and clerical division of activities) EPA traditionally uses in ICRs and do not use formal clerical hours to prepare and submit response form items. Instead, management and technical personnel perform clerical and administrative tasks. For example, firms may have the President/CEO develop and compile information and send out the applications. EPA redistributed the clerical hours in the expiring ICR to the managerial and technical categories to reflect this input.

Tables 1 and 2 below provide a summary of results from lab and manufacturer consultations. Appendix B of this supporting statement includes the consultation scripts and Attachment A includes interview notes from the consultations.

Table 1
Results of Calls to Labs

Company	Position Title	Comments	Results
Southwest Research Institute	Customer Service	Lab has not performed Subpart J testing in many years, no recent documentation to base reasonableness of estimates.	No response to request for interview.
Bonner Analytical Testing Company	President	Lab conducts toxicity test, swirling flask effectiveness test, and outsources bioremediation agent effectiveness testing.	No response to request for interview.
Bio-Aquatics Testing, Inc.	Vice President	Lab conducts toxicity test, swirling flask effectiveness test (SFT), and outsources bioremediation agent effectiveness testing.	Toxicity Test: \$4,000 SFT: \$4,500 Bioremediation Effectiveness: \$18,000.
ALTERNATE LAB: New England Bioassay	Lab Director	Lab conducts toxicity tests; and analytical/physical properties testing.	No response to request for interview.

Table 2 Results of Calls to Manufacturers			
Company	Position Title	Comments	Results
Dispersants			
COREXIT Environmental Solutions LLC	Product Manager	None.	No response to request for interview.
Alternate Dispersant: AGS Solutions, Inc.	President	Manufacturer provided burden hours in excess of EPA estimates.	Assessed the total burden as five months from time of reading Subpart J to receipt of listing letter.
Surface Washing Agents			
X4 Environmental Inc.	Product Manager	None.	No response to request for interview.
Petro-Green, Inc.	Owner	None.	No response to request for interview.
Alternate SWA: Natural Soap Formulas, Inc.	Owner	None.	No response to request for interview.
Bioremediation Agents			

Green Earth Naturally, L.L.C.	Environmental Specialist and Business Development Manager	Manufacturer provided burden hours in excess of EPA estimates.	Cited bioremediation effectiveness test costs of \$18,000; and burden expended over 18 months from time of testing to receipt of listing letter.
JACOR, LLC	CEO/Inventor	Manufacturer provided burden hours in excess of EPA estimates.	Cited testing costs as nearly \$20,000; and burden expended over 18 months from time of testing to receipt of listing letter

3(d) Effects of Less Frequent Collection

A respondent must submit information only when it applies to list a new product on the Schedule, or when the composition, formulation, application, or contact information of a product currently listed on the Schedule has changed. Because collection is not periodic, less frequent collection is not possible.

3(e) General Guidelines

The information collection activities discussed in this renewal ICR comply with all regulatory guidelines under 5 CFR 1320.5(d)(2).

3(f) Confidentiality

Under 40 CFR 300.920(c), respondents may claim certain information in the technical product data submissions as confidential business information (CBI). EPA will handle CBI claims pursuant to the provisions in 40 CFR Part 2, Subpart B. Information claimed as CBI 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.

3(g) Sensitive Questions

The information collection activities discussed in this document do not involve any sensitive questions.

4. RESPONDENTS AND THE INFORMATION REQUESTED

4(a) Respondents/SIC and NAICS Codes

Respondents include, but are not limited to, manufacturers of bioremediation agents, dispersants, surface collecting agents, surface washing agents and other chemical agents and biological additives used as countermeasures against oil spills.

While testing laboratories are not respondents to this ICR, they are affected by the information collection request and play an active role in the listing process.

EPA expects respondents to fall within the following industrial classifications:

- Manufacturers of industrial inorganic chemicals (SIC 281/NAICS 325188),
- Manufacturers of industrial organic chemicals (SIC 286/NAICS 325199), and
- Manufacturers of miscellaneous chemical products (SIC 289/NAICS 325988).

4(b) Information Requested

(i) Data Items

Under Subpart J, manufacturers who wish to list a product on the Schedule must report the following data items listed in Table 3 to EPA. No specific recordkeeping activities are required.

Respondent Activities

With the exceptions of effectiveness and toxicity testing, the data items discussed in section 4(b)(i) should be available to respondents through customary business practices (i.e., normal research and development activities). Effectiveness and toxicity tests, where applicable, require manufacturers to send products to a laboratory for testing. While laboratories must have previous experience conducting Subpart J testing under 40 CFR 300.915(a)(12), they are not considered to be respondents to the ICR as they are hired to provide a service to the manufacturers. EPA assumes that labs will include qualifications of their testing and staff experience within the data results package sent to EPA Processing, compiling, and reviewing the information required under Subpart J requires the following respondent activities:

- Inserting simple information, such as product name, manufacturer address or
- Drafting short answers, which EPA assumes requires minimal research and no testing;
- Drafting narrative answers, which EPA assumes requires summarizing scientific data or test results, and preparing backup documentation;
- Providing technical support; and,
- Conducting a managerial review.

Under Subpart J, the respondent must also notify EPA of any changes in the composition, formulation, or application of the dispersant, surface washing agent, surface collecting agent, bioremediation agent, or miscellaneous oil spill control agent. If the change is likely to alter the effectiveness or toxicity of the product, EPA may require retesting. If EPA decides that retesting is necessary, the respondent must have the product retested.

5. AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT

5(a) Agency Activities

Under Subpart J, EPA will perform activities when a manufacturer applies to have a product listed on the Schedule. Once a manufacturer submits the required technical product data, EPA must perform the following activities:

- Receive and process the technical product data;
- Review the data for completeness and procedural accuracy;

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Table 3
Data Items Required Under NCP Subpart J

RESPONSE FORM ITEMS	RESPONDENT ACTIVITY	BURDEN HOURS	OIL SPILL MITIGATING AGENT				
			BA	D	MA	SCA	SWA
Name, brand, or trademark, if any, under which the product is sold	Simple Information	0.3 to 0.6	X	X	X	X	X
Name, address, and telephone number of the manufacturer, importer or vendor			X	X	X	X	X
Name, address and telephone number of primary distributors or sales outlets			X	X	X	X	X
Special handling information and worker precautions for storage and field application, including maximum and minimum storage temperatures	Short Answer	0.6 to 1.2	X	X	X	X	X
Shelf life information	Simple Information	0.3 to 0.6	X	X	X	X	X
Recommended application procedures, concentrations, and conditions for use	Narrative Answer	0.6 to 1.2	X	X	X	X	X
Results of the effectiveness test set forth in Appendix C of the NCP	Narrative Answer	2.4 to 6.0	X	X	NR	NR	NR
Result of the toxicity test set forth in Appendix C of the NCP	Narrative Answer	2.4 to 6.0	NR	X	X	X	X
Physical properties covered by the American Society for Testing and Materials (ASTM) reference standards	Short Answer	0.6 to 1.2	NR	X	X	X	X
Test results for distinguishing surface collecting agents from other chemical agents	Short Answer	0.6 to 1.2	NR	NR	NR	X	NR
List of product components	Narrative Answer	2.4 to 6.0	X	X	X	X	X
The concentrations or upper limits of any heavy metals, cyanide, and chlorinated hydrocarbons	Short Answer	0.6 to 1.2	NR	X	X	X	X
Information on microbiological cultures, enzyme additives, and nutrient additives	Narrative Answer	2.4 to 6.0	X	NR	X	NR	NR
Identity of laboratory performing tests, the qualifications of the laboratory staff, and laboratory experience with similar tests	Narrative Answer	2.4 to 6.0	X	X	X	X	X

KEY: BA = Bioremediation Agent, D = Dispersant, MA = Miscellaneous Agent, SCA= Surface Collecting Agent, and SWA = Surface Washing Agent; and NR = Not Required

- Notify the respondent of the Agency's decision on listing the product on the Schedule; and
- If approved, the EPA Product Schedule Manager lists the product on the Schedule and stores the data.
- EPA's decision to list a product on the Schedule is based on the completeness of the information presented. EPA will not evaluate a submitted product beyond the revised effectiveness threshold for the dispersants.

5(b) Collection Methodology and Management

Respondents submit the required data to EPA in hard copy. If EPA accepts the product data following its review, the data are entered electronically on the Schedule. The data are then made available to FOSCs through three media: (1) hard copy; (2) [EPA Internet Web page](#); and (3) electronic mail. The three options ensure that FOSCs can obtain the information as efficiently as possible.

5(c) Small Entity Flexibility

Under Subpart J, small entities must follow the same collection procedures as other respondents. FOSCs need the required information to choose products that safely and effectively control oil discharges. The requirements of acceptability criterion for dispersant effectiveness and effectiveness testing for bioremediation agents are not anticipated to result in a significant adverse impact on a substantial number of small businesses.

5(d) Collection Schedule

EPA requires information to be collected when a manufacturer wishes to list a new product on the Schedule; or when a product currently listed on the Schedule changes in composition, formulation, or application method; the manufacturer needs to retest the product and resubmit new information to EPA for review.

6. ESTIMATING BURDEN AND COST

6(a) Estimating Respondent Burden

EPA expects that over the three-year period covered by this ICR renewal, an additional 27 products may be listed (six bioremediation agents, six dispersants, six miscellaneous oil spill control agents, three surface collecting agents, and six surface washing agents). A respondent's burden for preparing a product for listing on the Schedule is the same regardless of whether EPA lists the product. Therefore, burden is calculated for all manufacturers applying to list a product on the Schedule, rather than just for those who receive approval from EPA. Additionally, EPA estimates that approximately eight manufacturers will submit information to EPA to obtain a sorbent certification letter to confirm that the sorbent meets EPA's definition of a sorbent product (although sorbent products are not listed on the Schedule). Sorbent manufacturers incur

a lower burden because they are not required to have their products tested by a laboratory nor do they need to provide all of the product data requirements in Subpart J.⁶

Table 3 and Table A-1 in Appendix A contain estimates of the burden hours required to respond to each data item covered by this ICR.

6(b) Estimating Respondent Costs

To estimate the labor cost for manufacturers per product, the burden estimates for reading and understanding NCP Subpart J and preparing and submitting the necessary data to EPA are multiplied by the appropriate hourly wage rate category. For a detailed breakdown of respondent costs, please see Table A-2 in Appendix A.

6(c) Estimating Agency Burden and Costs

EPA incurs costs associated with the maintenance of the Schedule and evaluation of data requirements for listing products in accordance with 40 CFR 300.915. This section presents the estimated unit burden and unit cost to EPA for maintaining the Schedule. Burden estimates are based on EPA's experience with listing products on the Schedule under Subpart J. Table 4 shows the labor burden to EPA for each activity under Subpart J. The Agency activities were discussed previously in section 5(a). EPA's burden is estimated to be 20 hours per listing.

EPA labor costs are based on the January 2020 General Schedule (GS) pay schedule. EPA assumed that a staff person at the GS-13 Step 1 level would be required to maintain the Schedule. Based on the pay schedule, EPA derived an hourly rate of \$78.97 by dividing the GS-13 Step 1 annual salary (\$102,663)⁷ by 2,080 (the number of hours worked by a full-time EPA employee) and multiplied by the standard government overhead factor (1.6). The adjusted wage rate is multiplied by the hours in Table 4 to obtain the EPA labor burden cost. The cost of labor per product application, or unit burden, is therefore \$1,579.⁸

⁶ Note that if EPA certifies that the product meets the definition of a sorbent, the product does not have to undergo testing. If EPA does not certify the product as a sorbent because it is comprised of a chemical or is claimed to have the mechanism of action of a listed product, the manufacturer must test the product under the appropriate category on the Schedule and submit the information to EPA for listing.

⁷² U.S. Office of Personnel Management. 2020 General Schedule – DCB: Effective January 2020.

(<https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/20Tables/html/DCB.aspx>)

⁸³ The cost is calculated by multiplying 20 burden hours by the average hourly wage rate for a Grade 13 Step 1 employee of \$78.97).

Table 4
Estimated Unit Burden and Cost to EPA

INFORMATION COLLECTION ACTIVITY	Burden Hours (\$78.97)^a	Cost Per Product^b
Process submitted data	7	\$553
Review data for approval	6	\$474
Notify respondent of decision	4	\$316
Store data	3	\$237
UNIT BURDEN	20	\$1,579

^aEPA assumes burden hours for each information collection activity will be the same for each oil spill mitigation agent type.

^bCost per product costs are rounded.

The annual costs to EPA under Subpart J are presented in Table 5.

Table 5
Estimated Annual Burden and Cost to EPA

Oil Spill Mitigation Agent	Burden Hours	Cost Per Product (rounded)	Number of Products Per Year	Total Annual Burden Hours	Total Annual Cost (rounded)
Bioremediation Agents	20	\$1,579	2	40	\$3,159
Dispersants	20	\$1,579	2	40	\$3,159
Miscellaneous Oil Spill Control Agents	20	\$1,579	2	40	\$3,159
Surface Collecting Agents	20	\$1,579	1	20	\$3,159
Surface Washing Agents	20	\$1,579	2	40	\$3,159
Sorbent Reviews and Certification	3	\$237	8	24	\$1,895
TOTAL			17	204	\$16,110

6(d) Estimating the Respondent Universe and Total Burden and Costs

EPA estimates an average of 17 respondents will submit information to list a total of 17 products each year for the next three years of this ICR as shown in Table 6. This section describes the universe of manufacturers that will apply for listing on the Schedule. EPA estimates that manufacturers will apply to list two bioremediation agents, two dispersants, two miscellaneous oil spill control agents, one surface collecting agent, and two surface washing agents each year of the renewal ICR period. Sorbent review and certification of eight products a year is also part of the EPA burden, although sorbents are not listed on the Schedule. Consequently, EPA estimates that manufacturers will apply to list an average of nine total chemical countermeasure products and eight sorbents for review and certification each year of the ICR period. Therefore, the total number of respondents is 17 and the number of responses is estimated to be 17. For a detailed breakdown of average annual burden and costs for all respondents, please see Table A-4 in Appendix A.

The annual burden and cost to EPA under Subpart J are presented at the bottom of Tables 4 and 5, respectively.

6(e) Bottom Line Burden Hours and Cost Tables

The total annual burden and costs for each of the three years of the renewal ICR period are illustrated in Table 6. For the renewal ICR period, the burden hours for respondents are 930 hours (310 hours/year x 3 years). The labor cost represents the average hourly burden multiplied by the appropriate wage category (management or technical). O&M (laboratory testing) costs vary depending on product type and the test(s) required. Based on Table A-4 of Appendix A, the annual O&M costs for respondents are [(\$18,000) (2 bioremediation agents/year) + (\$4,500 + \$4,000) (2 dispersants/year) + (\$4,000) (2 miscellaneous oil spill control agents/year) + (\$4,000) (1 surface collecting agent/year) + (\$4,000) (2 surface washing agents/year)]. Therefore, the total O&M costs for respondents for the three-year renewal ICR period are \$219,000.

The annual respondent labor cost for oil spill mitigating agents and substances excluding sorbents is \$20,704, which is based on Table A-4 of Appendix A and the following equation:

$$((\{\$2,292\}/2) \times 2/\text{year}) + ((\{\$2,446\}/2) \times 2/\text{year}) + ((\{\$2,446\}/2) \times 2/\text{year}) + ((\{2,163\}/2) \times 1/\text{year}) + ((\{\$2,086\}/2) \times 2/\text{year}) = \$20,704$$

The annual respondent labor cost of a sorbent is \$1,723 (\$215 x 8 respondents). Therefore, the total annual labor cost for respondents is \$22,427, and the total labor costs for respondents for the three-year ICR period will be \$67,281 (\$22,427 x 3 years). Accordingly, the bottom-line cost for respondents for the three-year renewal ICR period is \$286,281 (\$219,000 + \$67,281) as shown in Table 6. No capital/start-up costs are associated with this renewal ICR.

Table 6
Estimated Total Burden and Costs under Subpart J

Year	RESPONDENTS				EPA		
	Burden (hours)	Labor Costs	O&M Costs	Total Cost	Burden (hours)	Labor Costs	Total Cost
One	310	\$22,427	\$73,000	\$95,427	204	\$16,110	\$16,110
Two	310	\$22,427	\$73,000	\$95,427	204	\$16,110	\$16,110
Three	310	\$22,427	\$73,000	\$95,427	204	\$16,110	\$16,110
Three-Year Total	930	\$67,281	\$219,000	\$286,281	612	\$48,330	\$48,330

As shown in Table 6, the Subpart J annual burden for EPA is 204 hours. Therefore, the total burden hours for EPA during the three-year renewal ICR period are 612. The total annual labor costs for EPA are \$16,110, and the total labor costs for EPA over the three-year renewal ICR period are \$48,330 (\$16,110 x 3 years).

6(f) Reasons for the Change in Burden

EPA anticipates changes in the annual burden hours under this ICR renewal (see Table 7). EPA increased the respondent burden hours by 20 percent in response to manufacturer feedback obtained during the consultation process that the ICR underestimated respondent burden hours. However, because EPA estimates that fewer respondents (nine annually in this renewal period vs. 11 in the previous renewal period) will submit information to EPA to have a product listed on the schedule, in addition to fewer sorbent manufacturers submitting fewer products for certification (eight in this renewal period vs. 10 in the previous renewal), the overall annual burden estimate has decreased for this ICR renewal period. The lower estimated numbers of submittals are based on the number of submittals EPA received during the previous three years. In addition, EPA received feedback during the consultation process that product manufacturers do not use clerical labor to conduct the activities in this ICR. EPA thus redistributed the clerical hours in the previous ICR renewal to the managerial and technical labor categories to more accurately reflect by whom the work is performed. The increase in the cost estimates are attributable to updates to the wage rates associated with respondent and EPA activities. In addition, consultations with laboratories indicated that testing service costs have increased; thus, O&M costs for toxicity and effectiveness testing have increased. However, these increases largely

were offset by EPA's estimate that fewer products will be tested. Thus, O&M costs for toxicity and effectiveness testing have increased only slightly.

Table 7
Total Estimated Annual Burden Comparison

	Total Requested	Currently Approved	Change Due to EPA Discretion	Due to EPA Estimate
Annual Hour Burden	310	315	0	(5)
Annual Cost (rounded)	\$73,000	\$72,450	\$0	\$550

6(g) Burden Statement

The collection of information required to prepare and submit material for listing a product on the Schedule is estimated to have a public reporting burden of 18 to 47 hours per response in the first year and subsequent years, depending on the type of product to be listed, with an average of 32.5 hours per response. Written certification for sorbents is estimated to have a public reporting burden of 3 hours per product. There is no required recordkeeping burden associated with listing a product on the Schedule.

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 32.5 hours per response for oil spill mitigation agent manufacturers and 3 hours per response for sorbent manufacturers. 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; 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. 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 regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-OPA-2007-0042, which is available for online viewing at www.regulations.gov, or in person viewing at the Superfund Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, D.C. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Superfund Docket is (202) 566-0276. An electronic version of the public docket is available at www.regulations.gov. This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-OPA-2007-0042 and OMB Control Number 2050-0141 in any correspondence.