

*Comment Date:* 5 p.m. Eastern Time on January 14, 2011.

**Kimberly D. Bose,**  
*Secretary.*

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2010-1029; FRL-9242-9]

### Access by EPA Contractors to Information Claimed as Confidential Business Information (CBI) Submitted Under the Clean Air Act and Related to the Mandatory Greenhouse Gas (GHG) Reporting Rule, 40 CFR Part 98, Subparts A, LL and MM

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

**ACTION:** Notice.

**SUMMARY:** EPA's Office of Transportation and Air Quality (OTAQ) plans to authorize various contractors to access information which will be submitted to EPA under the Clean Air Act that may be claimed as, or may be determined to be, confidential business information (CBI). Contractor access to this information, which is related to the Mandatory Greenhouse Gas (GHG) Reporting Rule, 40 CFR Part 98, subparts A, LL and MM, will begin January 6, 2011.

**DATES:** EPA will accept comments on this Notice through January 3, 2011.

**FOR FURTHER INFORMATION CONTACT:** Anne-Marie C. Pastorkovich, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW. (6406J), Washington, DC 20460; *telephone number:* 202-343-9623; *fax number:* 202-343-2801; *e-mail address:* [pastorkovich.anne-marie@epa.gov](mailto:pastorkovich.anne-marie@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Does this notice apply to me?

This action is directed to the general public. However, this action may be of particular interest to parties such as suppliers of coal-based liquid fuels and suppliers of petroleum products, as described in 40 CFR Part 98 subparts LL and MM, respectively. (40 CFR Part 98, subpart A contains general provisions related to registration and reporting.) Parties who may be interested in this notice include refiners, importers, and exporters of these products. Since other parties may also be interested, the Agency has not attempted to describe all the specific parties that may be affected by this action. If you have further questions regarding the applicability of

this action to a particular party, please contact the person listed in **FOR FURTHER INFORMATION CONTACT**.

##### II. How can I get copies of this document and other related information?

###### A. Electronically

EPA has established a public docket for this **Federal Register** notice under Docket EPA-HQ-OAR-2010-1029.

All documents in the docket are identified in the docket index available at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, such as confidential business information (CBI) or other information for which disclosure is restricted by statute. Certain materials, such as copyrighted material, will only be available in hard copy at the EPA Docket Center.

###### B. EPA Docket Center

Materials listed under Docket EPA-HQ-OAR-2010-1029 will be available for public viewing at the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC 20460. 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 Air Docket is (202) 566-1742.

##### III. Description of Programs and Potential Disclosure of Information Claimed as Confidential Business Information (CBI) to Contractors

EPA's Office of Transportation and Air Quality (OTAQ) has responsibility for protecting public health and the environment by regulating air pollution from motor vehicles, engines, and the fuels used to operate them, and by encouraging travel choices that minimize emissions. In order to implement various Clean Air Act programs, and to permit regulated entities flexibility in meeting regulatory requirements (*e.g.*, compliance on average), we collect compliance reports and other information from them. Occasionally, the information submitted is claimed to be confidential business information (CBI). Information submitted under such a claim is handled in accordance with EPA's regulations at 40 CFR part 2, subpart B and in accordance with EPA procedures, including comprehensive system security plans (SSPs) that are consistent with those regulations. When EPA has determined that disclosure of information claimed as CBI to

contractors is necessary, the corresponding contract must address the appropriate use and handling of the information by the contractor and the contractor must require its personnel who require access to information claimed as CBI to sign written non-disclosure agreements before they are granted access to data.

In accordance with 40 CFR 2.301(h), we have determined that the contractors, subcontractors, and grantees (collectively referred to as "contractors") listed below require access to CBI submitted to us under the Clean Air Act and in connection with the Mandatory GHG Reporting program. We are providing notice and an opportunity to comment. OTAQ collects this data in order to monitor compliance with the Mandatory GHG Reporting program. We are issuing this **Federal Register** notice to inform all submitters of information within our reporting system that we plan to grant access to material that may be claimed as CBI to the contractors identified below on a need-to-know basis.

Under Contract Number EP-W-09-22, PowerSolv, Incorporated, 1801 Robert Fulton Drive #550, Reston, Virginia, 20191 and its subcontractor, Indus Corporation, 1951 Kidwell Drive—8th Floor, Vienna, Virginia, 22182 provides technical support and information technology services that involve access to information claimed as CBI related to the Mandatory GHG Reporting Rule. Access to data, including information claimed as CBI, will commence on January 6, 2011 and will continue until May 31, 2011. If the contract is extended, this access will continue for the remainder of the contract without further notice.

Under Contract Number EP-W-10-15, Compass Solutions, Incorporated, 2760 Eisenhower Avenue, Suite 404, Alexandria, Virginia 22314 provides report processing and program support that involves access to information claimed as CBI related to the Mandatory GHG Reporting Rule. Access to data, including information claimed as CBI, will commence on January 6, 2011 and will continue until September 30, 2011. If the contract is extended, the access described in this paragraph will continue for the remainder of the contract and any further extensions without further notice.

Under Contract Number GS35F4797H, CGI, Incorporated, 12601 Fair Lakes Circle, Fairfax, Virginia, 22033 provides technical and information technology support related to submission of data via EPA's Central Data Exchange (CDX). Access to fuels data, including information claimed as CBI, will

commence on January 6, 2011 and will continue until March 31, 2012. If the contract is extended, this access will continue for the remainder of the contract and any further extensions without further notice.

OTAQ utilizes the services of enrollees under the Senior Environmental Employment (SEE) program. Some SEE enrollees are provided through Grant Number CQ-83880-01, Senior Service America, Inc., (SSAI), 8403 Colesville Road, Suite 1200, Silver Spring, Maryland 20910-3314. SEE enrollees are also provided through Grant Number CQ-833436, the National Association for Hispanic Elderly (NAHE), 234 E. Colorado Blvd., Suite 300, Pasadena, California 91101. Access to data related to the Mandatory GHG Reporting Rule, including information claimed as CBI will commence on January 6, 2011 and will continue until August 31, 2011. If these grants are extended, this access will continue for the remainder of the grants and any future extensions without further notice.

Parties who wish further information about this **Federal Register** notice or about OTAQ's disclosure of information claimed as CBI to contactors may contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: December 10, 2010.

**Karl J. Simon,**

*Director, Compliance and Innovative Strategies Division, Office of Transportation & Air Quality, Office of Air and Radiation.*

[FR Doc. 2010-32449 Filed 12-23-10; 8:45 am]

**BILLING CODE 6560-50-P**

## **ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-OAR-2007-1158; FRL-9244-3]

**Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Alternative Affirmative Defense Requirements for Ultra-low Sulfur Diesel (Renewal); EPA ICR Renewal No. 2364.03, OMB Control No. 2060-0639**

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

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an

existing approved collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

**DATES:** Additional comments may be submitted on or before January 26, 2011.

**ADDRESSES:** Submit your comments, referencing Docket ID No. EPA-HQ-OAR-2007-1158, to (1) EPA online using <http://www.regulations.gov> (our preferred method), by e-mail to [a-and-r-Docket@epa.gov](mailto:a-and-r-Docket@epa.gov), or by mail to: EPA Docket Center, Environmental Protection Agency, Air Docket, Mail Code 28221T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Geanetta Heard, Office of Transportation and Air Quality (6406J), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; *telephone number:* 202-343-9017; *fax number:* 202-343-2801; *e-mail address:* [heard.geanetta@epa.gov](mailto:heard.geanetta@epa.gov).

**SUPPLEMENTARY INFORMATION:** EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On October 14, 2010 (75 FR 63175), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OAR-2007-1158, which is available for online viewing at <http://www.regulations.gov>, or in person viewing at the Air Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC 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 Air Docket is 202-566-1742.

Use EPA's electronic docket and comment system at <http://www.regulations.gov>, to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select "docket search," then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper,

will be made available for public viewing at <http://www.regulations.gov> as EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to <http://www.regulations.gov>.

**Title:** Alternative Affirmative Defense Requirements for Ultra-low Sulfur Diesel (Renewal).

**ICR Numbers:** EPA ICR No. 2364.03, OMB Control No. 2060-0639.

**ICR Status:** This ICR is scheduled to expire on December 31, 2010. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. 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, and 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:** With this information collection request (ICR), we are seeking permission to continue to allow refiners, importers, distributors, and retailers of highway diesel fuel the option to use an alternative affirmative defense if the Agency finds highway diesel fuel samples above the specified sulfur standard at retail facilities. The highway diesel program regulations require most motor vehicle (highway) diesel fuel sold at retail stations to contain 15 parts per million (ppm) sulfur or less (hereafter referred to as ultra low sulfur diesel fuel, or ULSD) beginning October, 2006. General recordkeeping and reporting related to diesel fuel regulations for on-road, non-road and performance-based test methods are included in EPA ICR 1718.08 (OMB Control Number 2060-0277).

Under the regulation, where a violation of the 15 ppm sulfur standard is identified at a retail outlet, the retailer responsible for dispensing the noncompliant fuel is deemed liable, as well as the refiner(s), importer(s) and distributor(s) of such fuel. The highway diesel regulations further provide, however, that any person deemed liable can rebut this presumption by establishing an affirmative defense that