

collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement: For the limited time the Interim Final Rule will be in effect, EPA assumed an IEE would be the most likely environmental documentation submitted by operators, and that there would be no reporting for cases of emergency. The EPA further assumed that, for the initial year the Interim Final Rule was in effect (e.g., 1997–1998) and the subsequent three years, the most likely scenario would be:

(1) For the initial year, no PERMs or CEEs would be submitted, with four IEEs submitted on behalf of nine operators;

(2) For the subsequent three years, four revised IEEs would be submitted on behalf of nine operators;

(3) For the initial year and subsequent three years, procedures would be implemented to assess and provide a regular and verifiable record of the actual impacts of any activity which proceeds on the basis of an IEE;

(4) No PERMs, new IEEs, or CEEs would be submitted during the subsequent three years; and

(5) For the initial year, no emergencies would occur requiring emergency reporting, and none would occur during the subsequent three years.

The detailed estimate of burden and costs, which considers all three levels of environmental documentation, and includes the models and assumptions for the estimate of burden and costs for operators is presented in EPA's Supporting Statement for this ICR which is available from the Contacts or at the World Wide Website listed above. In summary, based on the most likely scenario listed above, EPA anticipates the following:

Affected Public: Commercial tour operators and all other nongovernmental entities including privately funded research expeditions.

Frequency of Reporting: Once per year.

Number of Respondents: 9.

Estimated Average Annual Time: For the initial year, no PERMs or CEEs were submitted; four IEEs were submitted on behalf of nine operators with an

estimated average burden of 216 hours per IEE, or 96 hours per operator, including assessment and verification procedures. For each of the subsequent years, four IEEs are anticipated on behalf of nine operators with an estimated annual average burden of 96 hours per IEE, or 43 hours per operator, including assessment and verification procedures.

Estimated Start-up Costs: None.

Estimated O&M Costs: The O&M costs for the initial year and each of the subsequent years are estimated at \$140 for an IEE including assessment and verification procedures, or \$62 per operator.

Estimated Total Burden for the Initial Year and Three Subsequent Years: The total respondent burden is estimated as 2,020 hours, or 224 hours per operator; and the total respondent cost is estimated as \$126,746, or \$14,083 per operator.

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's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

Dated: April 16, 1998.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 98–10715 Filed 4–21–98; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6000–9]

Draft Residual Risk Report to Congress

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of document availability and request for comment.

SUMMARY: This Report to Congress (RTC) was prepared in response to section 112(f)(1) of the Clean Air Act (CAA) and provides the information requested in section 112(f)(1) and also presents EPA's proposed strategy for assessing any risk remaining (residual risk) due to the continued emissions of hazardous air pollutants (HAP) from any industry source category subject to the maximum achievable control technology (MACT) standards required by section 112(d) of the CAA. The CAA identified several topics to be addressed: (a) Methods of calculating the risk to public health remaining, or likely to remain, from sources subject to regulation under section 112(d); (b) the public health significance of such estimated remaining risk and the technologically and commercially available methods and costs of reducing such risk; (c) the actual health effects with respect to persons living in the vicinity of sources, any available epidemiological or other health studies, risks presented by background concentrations of hazardous air pollutants, any uncertainties in risk assessment methodology or other health assessment technique, and any negative health or environmental consequences to the community of efforts to reduce such risks; and (d) recommendations as to legislation regarding such remaining risk. Congress directed that this RTC be prepared "after consultation with the Surgeon General and after opportunity for public comment." This notice of document availability is in fulfillment of the requirement to have a time for the public to comment on this RTC.

EFFECTIVE DATE: This notice announces a 60-day public comment period beginning April 22, 1998.

ADDRESSES: Copies of the draft RTC will be available from the Air and Radiation Docket and Information Center (MC–6102), Docket No. A–97–39, U.S. Environmental Protection Agency, 401 M Street SW, Room M–1500, Washington, DC 20460, telephone (202) 260–7548, between the hours of 8:00 am and 4:00 pm, Monday through Friday, excluding legal holidays. A reasonable fee may be charged for copying. Written comments should be submitted to this address. Comments and data may also be submitted electronically by following the instructions under **SUPPLEMENTARY INFORMATION** of this notice. No Confidential Business Information (CBI) should be submitted electronically.

FOR FURTHER INFORMATION CONTACT: Dennis A. Pagano or Kelly Rimer, Office of Air Quality Planning and Standards,

Air Quality Strategies and Standards Division, Risk and Exposure Assessment Group, MD-15, Research Triangle Park, NC 27711, telephone (919) 541-0502 or 541-2962.

SUPPLEMENTARY INFORMATION: This RTC is also available electronically by accessing the following address: <http://www.epa.gov/ttn/oarpg>. Comments may be made electronically by sending them to EPA at: A-and-R-Docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 6.1 file or ASCII file format. All comments and data in electronic form must be identified by the Docket No. A-97-39. Electronic comments on this draft RTC may be filed online at many Federal Depository Libraries.

Background

This RTC responds to the statutory directives in section 112(f) of the CAA and also provides EPA's strategy for assessing residual risk remaining from the HAP being emitted from source categories subject to MACT standards. Chapter 2 provides a brief legislative and regulatory background on the CAA air toxics program in order to provide context for what follows. Chapter 2 also provides a short history of the development of risk-based programs and of risk assessment as the primary tool used by EPA to analyze the potential impacts of air toxics emissions on the exposed population and environment. As discussed in Section 2.3 of the RTC, the development of EPA's risk-based program for air toxics has incorporated input from the National Research Council, the Commission on Risk Assessment and Risk Management, State and local air toxics programs, and a variety of risk assessment policies and guidelines developed (and in some cases under development) by EPA. The RTC then addresses, in Chapters 3 and 4, the required statutory elements, as shown in the text box on page 1 of the RTC. Chapter 3 provides information on the methods for conducting human and ecological risk assessments for emissions of air toxics, describes the data required, and the methods for evaluating mixtures. Chapter 4 addresses the remaining statutory elements listed in CAA section 112(f)(1) (B), (C), and (D) in the order listed in the CAA. In Chapter 5, the RTC describes EPA's strategy to conduct residual risk analyses, as well as discuss other provisions in section 112(f) (2) through (6) of the CAA.

The intent of this RTC is to address the legislative requirements of section 112(f)(1) and to provide the reader with a basic understanding of how EPA will conduct its risk analyses and make decisions concerning these risk assessments. The methodology descriptions provided are not presented as strict guidance but are discussed with enough detail to inform the reader of EPA's intentions and directions in implementing the "residual risk" analyses. The EPA prefers to be flexible in this process so that as changes are made in the way risk assessments are done, they may be incorporated as needed.

It is important to note that this RTC does not contain the results of any residual risk analyses or information on EPA's potential actions after conducting such analyses. The EPA is currently collecting existing data on source categories for which MACT standards have been promulgated and will begin analyzing these data using the proposed strategy.

Congress also requested EPA to report on additional elements related to residual risk. This RTC describes EPA's proposals for considering these elements as they apply to residual risk assessments.

- **Public Health Significance:** This RTC presents EPA's plan to use the benzene NESHAP framework (54 FR 38044, September 14, 1989) which provides a 2-step decision process, as a gauge of significance for the purposes of making regulatory decisions under the residual risk program. This RTC also describes when the benzene framework will be applied. In this context, the RTC states clearly that the benzene framework does not address noncancer effects nor does it address carcinogens for which a "margin of exposure" type of analysis is the more appropriate method to use in determining the level of concern. For these latter two types of effects, the RTC states that EPA is in the process of developing these decision frameworks, and that they will not be developed in time to be included in this RTC.

The EPA is also mandated to address ecological effects. Currently there are no policies in place for considering them in air management decisions. The EPA is developing guidance for making these risk management decisions, but they will not be developed in time to be incorporated into this RTC.

- **Technologically and Commercially Available Methods and Costs:** The EPA presents a range of control options if it is determined that additional control is needed to reduce residual risks. This RTC provides an overview of these

options with an emphasis on pollution prevention approaches.

- **Actual Health Effects Information:** The information available on actual health effects resulting from exposure to air toxics is very limited. This RTC presents a summary discussion of epidemiological data, laboratory data, and other exposure study data. It also briefly describes how EPA intends to use these data and any actual source category-specific health effects data that may become available when residual risk assessments are conducted.

- **Background Concentrations:** This RTC discusses general information on background levels of HAP, including EPA's cumulative risk policy which is under development, and presents a definition of background concentrations for air toxics and residual risk purposes. It describes approaches used by other EPA programs and includes examples of rules and guidance that consider the issue of background. It also presents a discussion of the difficulties in addressing background concentrations in residual risk analyses and identifies data needs to assess background. The discussion concludes by describing the EPA's options to analyze and consider background concentrations in residual risk analyses.

- **Negative Health or Environmental Consequences to Communities:** The EPA interprets this requirement to mean that any risk management options for reducing residual risks must consider other possible health consequences to the community resulting from those decisions. The EPA is aware that pollution control technologies targeted at a single pollutant (e.g., a specific HAP) and single medium (e.g., air), especially conventional end-of-the-pipe treatment technologies, can inadvertently transfer pollutants and risks to different media, different locations, and different receptors, and can unintentionally create new and different risks in the process of controlling the targeted risk. Thus, EPA intends, as it conducts its residual risk analyses and any subsequent standard-setting actions, to identify potential negative health and environmental consequences when possible and consider the risk-risk tradeoffs associated with any standards established under the residual risk program.

- **Legislative Recommendations:** Congress required EPA to make "legislative recommendations regarding any identified residual risk." The EPA has interpreted this congressional requirement to mean that if an unacceptable residual risk were identified, and no current authority

within the CAA were determined to be adequate to reduce that risk, then EPA would propose an approach that would assure that risk reductions would occur. The EPA believes that the regulatory approach embodied in the CAA is adequate for maintaining the goal of protecting the public and environment's health, and, therefore, is not proposing any legislative changes.

The EPA is requesting comment on this draft RTC with a special emphasis on the sections discussed above, i.e., the public health significance, technologically and commercially available methods and costs, the actual health effects, the background concentration, and the negative health or environmental consequences sections.

Peer Review

The EPA is fully committed to environmental protection that is founded on sound and credible science. Objective, independent peer review of the scientific and technical bases of the Agency's actions is critical to accomplishing the Agency's mission. The Agency's commitment to credible, effective peer review is stated in the Peer Review Policy of June 7, 1994. Full implementation of that policy remains an Agency priority.

Most of the major references that form the foundation of this RTC have undergone (or are currently undergoing) external peer review. In addition, EPA intends to have this RTC peer reviewed during the public comment period because it outlines specific applications for the methods and policies contained in these references. For example, the EPA believes that it is necessary to obtain an independent evaluation of questions, such as whether the RTC identifies the most relevant and useful methods of assessing risks from stationary sources and whether it properly characterizes the types of data on which these methods rely. The results of this peer review will be incorporated into the final RTC.

Dated: April 14, 1998.

Richard D. Wilson,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 98-10720 Filed 4-21-98; 8:45 am]

BILLING CODE 6560-50-U

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6000-4]

Transfer of Confidential Business Information to Contractors

AGENCY: Environmental Protection Agency.

ACTION: Notice of transfer of data and request for comments.

SUMMARY: EPA will transfer Confidential Business Information (CBI) to its contractor, Research Triangle Institute and its subcontractors: DPRA, Inc.; Tetra Tech, Inc. and HydroGeoLogic, Inc. that has been or will be submitted to EPA under Section 3007 of the Resource Conservation and Recovery Act (RCRA). Under RCRA, EPA is involved in activities to support, expand and implement solid and hazardous waste regulations.

DATES: Transfer of confidential data submitted to EPA will occur no sooner than May 4, 1998.

ADDRESSES: Comments should be sent to Regina Magbie, Document Control Officer, Office of Solid Waste (5305W), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Comments should be identified as "Transfer of Confidential Data."

FOR FURTHER INFORMATION CONTACT: Regina Magbie, Document Control Officer, Office of Solid Waste (5305W), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, 703-308-7909.

SUPPLEMENTARY INFORMATION:

1. Transfer of Confidential Business Information

Under EPA Contract 68-W-98-085 Research Triangle Institute, and its subcontractors, will assist the Office of Solid Waste, Economics, Methods, and Risk Analysis Division, by providing technical and regulatory support for: Toxicological Studies; Information Gathering and Analysis; and Documentation Preparation. EPA has determined that Research Triangle Institute and its subcontractors, will need access to RCRA CBI submitted to the Office of Solid Waste to complete this work. Specifically, Research Triangle Institute and its subcontractors, need access to the CBI that EPA collects, under the authority of Section 3007 of RCRA, in Industry Studies Surveys and other studies of industries involved with waste management.

In accordance with 40 CFR 2.305(h), EPA has determined that Research Triangle Institute, and its subcontractors, require access to CBI

submitted to EPA under the authority of RCRA to perform work satisfactorily under the above-noted contract. EPA is submitting this notice to inform all submitters of CBI of EPA's intent to transfer CBI to these firms on a need-to-know basis. Upon completing its review of materials submitted, Research Triangle Institute, and its subcontractors, will return all CBI to EPA.

EPA will authorize Research Triangle Institute, and its subcontractors, for access to CBI under the conditions and terms in EPA's "Contractor Requirements for the Control and Security of RCRA Confidential Business Information Security Manual." Prior to transferring CBI to Research Triangle Institute, and its subcontractors, EPA will review and approve its security plans and Research Triangle Institute, and its subcontractors, will sign non-disclosure agreements.

Dated: March 30, 1998.

Matt Hale,

Acting Director, Office of Solid Waste.

[FR Doc. 98-10721 Filed 4-21-98; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6000-3]

Transfer of Confidential Business Information to Contractors

AGENCY: Environmental Protection Agency.

ACTION: Notice of transfer of data and request for comments.

SUMMARY: The Environmental Protection Agency (EPA) will transfer Confidential Business Information (CBI) to its contractor, Hazmed and its subcontractors: Eastern Research Group, Inc.; ICF, Inc.; Energetics Inc.; and Project Performance, Corp. that has been or will be submitted to EPA under the Resource Conservation and Recovery Act (RCRA). Under RCRA, EPA is involved in activities to support, expand and implement solid and hazardous waste regulations.

DATES: Transfer of confidential data submitted to EPA will occur no sooner than May 4, 1998.

ADDRESSES: Comments should be sent to Regina Magbie, Document Control Officer, Office of Solid Waste (5305W), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Comments should be identified as "Transfer of Confidential Data."

FOR FURTHER INFORMATION CONTACT: Regina Magbie, Document Control