

Environmental Response, Compensation, and Liability Act; the Federal Water Pollution Control Act; and others), which require it to collect data from thousands of facilities in many economic sectors. The data often provide information on toxic chemicals, industrial processes, waste streams, regulatory compliance; and in many cases, businesses that submit the data claim it as confidential business information (CBI). EPA established the procedures described in 40 CFR Part 2, Subpart B, to protect the confidentiality of information as well as the rights of the public under FOIA. In accordance with these regulations, when EPA finds it necessary to make a final confidentiality determination (e.g., in response to a FOIA request or in the course of rulemaking or litigation), it notifies the affected business and provides it with an opportunity to submit comments (i.e., a substantiation). This ICR relates to the collection of information that will assist EPA in determining whether previously submitted information is entitled to confidential treatment.

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.

The EPA would like to solicit comments to:

(i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) evaluate the accuracy of the agency's estimate of the burden of the proposed 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:** EPA estimates that in response to the procedures outlined in 40 CFR Part 2, Subpart B, the Agency would notify 543 businesses and provide them with an opportunity to submit comments explaining why previously submitted information should be treated as confidential. Of the

543 businesses, EPA estimates that approximately 443 industries would respond by submitting substantiations. The Agency estimates that it takes industry approximately 14 hours and \$464.43 in labor costs to prepare and submit each substantiation; or a total of 6,202 hours at a cost of \$205,742.49 in labor for all 443 substantiations. For those 100 businesses that do not submit substantiations, they are still likely to spend approximately 1 hour at a cost of \$32.04 in labor to review EPA's notice, examine the information in question, and make a decision not to respond; or a total of 100 hours at a cost of \$3,204.00 in labor costs for reviewing and deciding not to respond in 100 cases. The total burden on industry to review and, if desired, respond to 543 EPA substantiation requests is 6,302 hours at a cost of \$208,946.49 in labor.

In addition, when EPA utilizes the services of contractors/subcontractors in implementing 40 CFR, Part 2, Subpart B, all contractor/subcontractor employees who may be given access to confidential information must first sign confidentiality agreements stating that they will honor the terms of the contract/subcontract which requires the protection of CBI.

In addition, contractor/subcontractor businesses must maintain a file of all such agreements. EPA estimates that there are about 129 contractor/subcontractor businesses that handle CBI in connection with their work for EPA each year. These 129 contractor/subcontractor businesses together have a total of approximately 658 employees who must sign confidentiality agreements each year. Each employee would need approximately 0.1 hour to review and sign an agreement, at a cost of \$3.34 in labor; employees' review and signature of all agreements would require approximately 65.8 hours at a cost of \$2197.72 in labor per year. In addition, each subcontractor/contractor business would need approximately 0.5 hour at a cost of \$8.07 in labor per year to maintain a file of employee confidentiality agreements; the 129 contractor/subcontractor businesses together would require a total of 64.5 hours at a labor cost of \$1041.03 to maintain a file of confidentiality agreements. The total burden for signing and maintaining confidentiality agreements would thus be 130.3 hours at a cost of \$3238.75.

The overall burden for handling confidentiality claims—including the substantiation process and the signing and maintaining of confidentiality agreements—would be 6432.3 hours at a total labor cost of \$212,185.24 per year. EPA estimates that no capital costs or

operation and maintenance costs would be incurred as a result of this information collection.

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; adjusting 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.

Dated: April 4, 2000.

**Oscar Morales,**

*Director, Collection Strategies Division, Office of Information Collection*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6577-5]

### Agency Information Collection Activities OMB Responses

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

**ACTION:** Notices.

**SUMMARY:** This document announces the Office of Management and Budget's (OMB) responses to Agency clearance requests, in compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et. seq.*). 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.

**FOR FURTHER INFORMATION CONTACT:** Sandy Farmer at 260-2740, or email at Farmer.sandy@epa.gov, and please refer to the appropriate EPA Information Collection Request (ICR) Number.

### SUPPLEMENTARY INFORMATION:

#### OMB Responses to Agency Clearance Requests

##### OMB Approvals

EPA ICR No.1773.02; New and Amended Reporting and Recordkeeping Requirements for

NESHAP from Hazardous Waste Combustors; in 40 CFR part 63, subparts A and EEE; was approved 02/25/2000; OMB No. 2060-0349; expires 02/28/2003.

(Note: EPA will request OMB to change OMB No. 2060-0349 to a 2050 series number since it is now the responsibility of the Office of Solid Waste).

EPA ICR No. 0275.07; Pre-award Compliance Review Report for All Applicants Requesting Federal Financial Assistance; in 40 CFR part 7; was approved 02/25/2000; OMB No. 2090-0014; expires 02/28/2003.

EPA ICR No. 1842.02; Notice of Intent for Storm Water Discharges Associated with Construction Activity under a NPDES General Permit; in 40 CFR part 122; was approved 03/01/2000; OMB No. 2040-0188; expires 03/31/2003.

EPA ICR No. 0318.08; Clean Water Needs Survey; was approved 03/02/2000; OMB No. 2040-0050; expires 12/31/2001.

EPA ICR No. 0827.05; Construction Grants Program; in 40 CFR part 35, subpart I; was approved 03/03/2000; OMB No. 2040-0027; expires 03/31/2003.

EPA ICR No. 0909.06; Construction Grants Delegation to States; in 40 CFR part 35, subpart J; was approved 03/03/2000; OMB No. 2040-0095; expires 03/31/2003.

EPA ICR No. 1898.02 Public Water System Supervision program Public Notification Requirements; in 40 CFR part 141; was approved 03/07/2000; OMB No. 2040-0209; expires 06/30/2002.

EPA ICR No. 1892.02; A Pilot Study of Children's Total Exposure to Persistent Pesticides and Other Persistent Organic Pollutants; in 40 CFR part 141; was approved 03/20/2000; OMB No. 2080-0061; expires 03/31/2003.

EPA ICR No. 1711.03; Voluntary Customer Service Satisfaction Survey; was approved 03/20/2000; OMB No. 2090-0019; expires 03/31/2003.

EPA ICR No. 1654.03; Reporting Requirements under EPA's Water Alliances for Voluntary Efficiency (WAVE) Program; was approved 03/27/2000; OMB No. 2040-0164; expires 03/31/2003

#### Extensions of Expiration Dates

EPA ICR No. 0011.09; Selective Enforcement Auditing and Record-keeping Requirements for On-Highway HDE, Non-road Compression Ignition Engines, and On-Highway Light-Duty Vehicles and Light-Duty Trucks; in 40 CFR part 90, subpart F; OMB No. 2060-0064; on 02/29/2000

OMB extended the expiration date through 08/31/2000.

EPA ICR No. 1001.06; Polychlorinated Biphenyls (PCBs) Exclusions, Exemptions, and Use Authorizations; in 40 CFR part 761; OMB No. 2070-0008; on 02/29/2000 OMB extended the expiration date through 08/31/2000.

EPA ICR No. 1774.01; Information Collection Activities Associated with EPA's Mobile Air Conditioner Retrofitting Program; in 40 CFR part 82; OMB No. 2060-0350; on 02/29/2000 OMB extended the expiration date through 05/31/2000.

EPA ICR No. 1710.02; Residential Lead-Based Paint Hazard Disclosure Requirements; in 40 CFR part 745, subpart F; OMB No. 2070-0151; on 02/29/2000 OMB extended the expiration date through 05/31/2000.

EPA ICR No. 0574.10; Premanufacture Review Reporting and Exemption Requirements for New and New Use Chemicals; in 40 CFR parts 720, 721, 723, and 725; OMB No. 2070-0012; on 02/29/2000 OMB extended the expiration date through 05/31/2000.

EPA ICR No. 1619.02; EPA Indoor Environmental Quality Questionnaire; OMB No. 2060-0244; on 02/29/2000 OMB extended the expiration date through 05/31/2000.

EPA ICR No. 1139.05; TSCA Section 4 Test Rules, Consent Orders and Test Rule Exemptions; in 40 CFR part 790; OMB No. 2070-0033; on 02/29/2000 OMB extended the expiration date through 05/31/2000.

EPA ICR No. 1381.05; Recordkeeping and Reporting Requirements for Solid Waste Disposal Facilities and Practices, Recordkeeping and Reporting Requirements; in 40 CFR part 258; OMB No. 2050-0122; on 03/01/2000 OMB extended the expiration date through 06/30/2000.

EPA ICR No. 1717.02; NESHAP for Off-Site Waste and Recovery Operations; in 40 CFR part 63, subpart DD; OMB No. 2060-0313; on 03/02/2000 OMB extended the expiration date through 05/31/2000.

EPA ICR No. 0180.05; Emission Recall Audit Program Owner Questionnaire; in 40 CFR part 85, subparts S and T; OMB No. 2060-0046; on 03/09/2000 OMB extended the expiration date through 09/30/2000.

EPA ICR No. 1564.04; NSPS for Small Industrial-Commercial-Institutional Steam Generating Units; in 40 CFR part 60, subpart Dc; OMB No. 2060-0202; on 03/09/2000 OMB extended the expiration date through 06/30/2000.

EPA ICR No. 1084.05; Amendments to NSPS for Nonmetallic Mineral

Processing Plants; in 40 CFR part 60, subpart OOO; OMB No. 2060-0050; on 03/09/2000 OMB extended the expiration date through 06/30/2000.

EPA ICR No. 0994.06; Beach Closing Survey Report on the Great Lakes; OMB No. 2090-0003; on 03/16/2000 OMB extended the expiration date through 09/30/2000.

EPA ICR No. 1427.05; National Pollutant Discharge Elimination System (NPDES) Compliance Assessment/Certification Information; in 40 CFR parts 122 and 501; OMB No. 2040-0110; on 03/16/2000 OMB extended the expiration date through 09/30/2000.

EPA ICR No. 1643.03; Amended Application Requirements for the Approval and Delegation of Federal Air Toxic Programs to State and Local Agencies; in 40 CFR part 63, subpart E; OMB No. 2060-0264; on 03/20/2000 OMB extended the expiration date through 05/31/2000.

EPA ICR No. 1157.05; NSPS for Flexible Vinyl and Urethane Coating and Printing; in 40 CFR part 60, subpart FFF; OMB No. 2060-0073; on 03/21/2000 OMB extended the expiration date through 06/30/2000.

EPA ICR No. 1596.04; Significant New Alternatives Policy (SNAP) Program under Title VI of the Clean Air Act Amendments of 1990; in 40 CFR part 82, subpart G; OMB No. 2060-0226; on 03/23/2000 OMB extended the expiration date through 07/31/2000.

EPA ICR No. 1160.05; NSPS for Wool Fiberglass Insulation Manufacturing Plants; in 40 CFR part 60.680, subpart PPP; OMB No. 2060-0114; on 03/23/2000; OMB extended the expiration date through 08/31/2000.

EPA ICR No. 1072.05; NSPS for Lead Acid Battery Manufacturing Plants, Recordkeeping and Reporting Requirements; in 40 CFR part 60, subpart KK; OMB No. 2060-0081; on 03/23/2000 OMB extended the expiration date through 06/30/2000.

#### Comments Filed

EPA ICR No. 1923.01; Radon in Drinking Water; on 03/03/2000 OMB filed comment.

EPA ICR No. 1922.01; Storage, Treatment, Transportation, and Disposal of Mixed Waste; on 03/13/2000 OMB filed comment.

Dated: April 7, 1000.

#### Oscar Morales,

Director, Collection Strategies Division.

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