

1987, changes have occurred. Some States have enacted various types of deregulation schemes, which in turn led to the disintegration of many firms in the public utility industry. As a result, the same regulatory mechanisms that were previously available to effectuate restitution to overcharged utility customers may no longer be available. In such instances OHA may require a modified certification from the utility claimant. The revised certification will eliminate the reference to a governmental regulatory body while retaining the requirement that the utility pass the refund through to its retail customers on a dollar-for-dollar basis.

#### IV. Final Refund Procedures

Based on our discussion of the comments above, OHA will adopt the following final refund procedures. As explained in the November 12 notice, we must verify the accuracy of information in the OHA crude oil database before disbursing final refunds to individual claimants. OHA will send notice to all claimants (or their representatives of record) who purchased at least 280,000 gallons of refined petroleum products during the controls period and therefore are eligible to receive refunds exceeding \$200 based on an estimated per-gallon volumetric amount of \$0.00072. This will include the 34,000 largest claimants. The orders authorizing prior crude oil refund payments required claimants to notify OHA when their addresses change, and notice will be sent to the last known address in OHA's crude oil database. The notice will advise the claimant of the availability of the final crude oil refund payment, and show the information that is in the OHA database, including name, address, and a contact person. A unique PIN number will be assigned to each claimant. A claimant must use that PIN in order to verify the information in the database. The claimant must indicate whether the applicant shown in the OHA database should receive the refund, or whether the refund cannot be paid to the listed applicant for any reason, *e.g.*, due to death, divorce, bankruptcy or dissolution of a business.

For the final crude oil refund distribution, we will not mail direct notice to claimants who purchased less than 280,000 gallons of refined petroleum products during the controls period. We continue to believe that the cost and administrative burden of mailing information to these claimants is not justified given the small amount of the refunds. As with the 1995 supplemental refund payment, however, we will accept applications from all

successful claimants who are eligible to receive additional refunds, as long as they are filed within the 180-day application period. DOE prefers to make payments by electronic direct deposit, and strongly encourages claimants to choose this method for their final refunds. Many checks issued to claimants during the crude oil refund process were lost, and direct deposit offers a more secure payment method than a paper check. Claimants who choose direct deposit must submit the bank name, city and State, ABA routing number, account number, and the name on the checking or savings account to receive their refund payment. If the direct deposit information is not provided, DOE will issue a check.

This information must be submitted to OHA between July 1 and December 31, 2004. It may be submitted by filling out and mailing the suggested format on the back of the notice using the enclosed postage-paid envelope, or by submitting the information via OHA's Web site at <http://www.oha.doe.gov/2004supp/refunds.asp>.

We ask claimants to provide their Employer Identification Number (for businesses) or Social Security Number (for individuals) because the Internal Revenue Service (IRS) requires that DOE report refund payments on IRS Form 1099-MISC. Claimants should submit this number even if they have previously provided it to our office. By law, individual claimants are not required to disclose their Social Security Numbers. However, if an individual does not report their Social Security number to us, we will direct that 31 percent of the amount of the final refund check be withheld and forwarded to the IRS as back-up withholding.

Unless we receive the information we have requested from each claimant on or before December 31, 2004, the claimant will forfeit all rights to the final crude oil refund. OHA is adopting the strict 180-day application deadline proposed in the November 12 notice. No extensions of time will be granted, and no late applications will be accepted. Additional limitations will be necessary in the final round of crude refunds. All successful claimants have already had extensive opportunities over many years to establish their respective purchase volumes of refined petroleum products, which form the bases for their respective refunds. There will be no further opportunities to revise volumes during the final distribution. No new applications will be accepted—the final crude oil refund payment is available only to successful claimants.

OHA establishes the following timeline for the final stages of the refund process: Mailing of written notice to all of the approximately 34,000 claimants eligible for refunds over \$200 (based on a purchase volume exceeding 280,000 gallons and an estimated volumetric of \$0.00072) will be completed by June 30, 2004. The period for claimants to submit crude oil refund application information (or verify the extant information in OHA's database) will run from July 1, 2004 through the December 31, 2004 deadline. OHA will issue a **Federal Register** notice setting forth the calculation of the final volumetric refund amount by January 31, 2005. OHA will begin paying refunds by February 1, 2005. OHA anticipates it will complete the payment of refunds by December 31, 2005. Any unclaimed funds will be divided equally between the States and the Federal government.

Issued in Washington, DC, on May 13, 2004.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 04-11524 Filed 5-20-04; 8:45 am]

BILLING CODE 6450-01-P

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## ENVIRONMENTAL PROTECTION AGENCY

[SFUND-2004-0006, FRL-7665-7]

**Agency Information Collection Activities: Proposed Collection; Comment Request; Community Right-to-Know Reporting Requirements Under Sections 311 and 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA), EPA ICR Number 1352.10, OMB Control Number 2050-0072**

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

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB). This is a request to renew an existing approved collection. This ICR is scheduled to expire on October 31, 2004. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

**DATES:** Comments must be submitted on or before July 20, 2004.

**ADDRESSES:** Submit your comments, referencing docket ID number SFUND-2004-0006, to EPA online using EDOCKET (our preferred method), by e-mail to [superfund.docket@epa.gov](mailto:superfund.docket@epa.gov), or by mail to: EPA Docket Center, Environmental Protection Agency, Superfund Docket, Mail code 5305T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Sicy Jacob, Office of Emergency Prevention, Preparedness and Response, 5104A, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 202-564-8019; fax number: 202-564-8233; e-mail address: [jacob.sicy@epa.gov](mailto:jacob.sicy@epa.gov).

**SUPPLEMENTARY INFORMATION:** EPA has established a public docket for this ICR under Docket ID number SFUND-2004-0006, which is available for public viewing at the Superfund Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. 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 through EPA Dockets (EDOCKET) at <http://www.epa.gov/edocket>. Use EDOCKET to obtain a copy of the draft collection of information, 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. Once in the system, select "search," then key in the docket ID number identified above.

Any comments related to this ICR should be submitted to EPA within 60 days of this notice. EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EDOCKET as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose public disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EDOCKET. The entire printed comment, including the copyrighted material, will be available in the public docket. Although identified as an item in the official docket, information claimed as CBI, or whose disclosure is otherwise restricted by statute, is not included in the official public docket, and will not

be available for public viewing in EDOCKET. For further information about the electronic docket, see EPA's **Federal Register** notice describing the electronic docket at 67 FR 38102 (May 31, 2002), or go to [www.epa.gov/edocket](http://www.epa.gov/edocket).

**Affected entities:** Entities potentially affected by this action are those facilities required to prepare or have available an MSDS for a hazardous chemical under the Hazard Communication Standard (HCS) of the Occupational Safety and Health Administration. Entities more likely to be affected by this action may include chemical, non-chemical manufacturers, retailers, petroleum refineries, utilities, etc.

**Title:** Community Right-to-Know Reporting Requirements under Sections 311 and 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA)

**Abstract:** The authority for these requirements is sections 311 and 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA), 1986 (42 U.S.C. 11011, 11012). EPCRA Section 311 requires owners and operators of facilities subject to OSHA HCS to submit a list of chemicals or MSDSs (for those chemicals that exceed thresholds, specified in 40 CFR part 370) to the State Emergency Response Commission (SERC), Local Emergency Planning Committee (LEPC) and the local fire department (LFD) with jurisdiction over their facility. The submittal of a list of chemicals or MSDSs is a one-time requirement. However, facilities must submit updates to the list of chemicals, within three months, when a new hazardous chemical comes on-site above the reporting threshold. If significant new information arises concerning a previously submitted MSDS, a facility must submit a revised MSDS. EPCRA Section 312 requires owners and operators of facilities subject to OSHA HCS to submit an inventory form (for those chemicals that exceed the thresholds, specified in 40 CFR part 370) to the SERC, LEPC, and LFD with jurisdiction over their facility. This activity is to be completed on March 1 of each year, on the inventory of chemicals in the previous calendar year.

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 40 CFR are listed in 40 CFR part 9.

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:** The average burden for MSDS reporting under 40 CFR 370.21 is estimated at 1.6 hours for new and newly regulated facilities and approximately 0.6 hours for those existing facilities that obtain new or revised MSDSs or receive requests for MSDSs from local governments. For new and newly regulated facilities, this burden includes the time required to read and understand the regulations, to determine which chemicals meet or exceed reporting thresholds, and to submit MSDSs or lists of chemicals to SERC, LEPCs, and local fire departments. For existing facilities, this burden includes the time required to submit revised MSDSs and new MSDSs to local officials. The average reporting burden for facilities to perform Tier I or Tier II inventory reporting under 40 CFR 370.25 is estimated to be approximately 3.1 hours per facility, including the time to develop and submit the information. There are no recordkeeping requirements for facilities under EPCRA Sections 311 and 312.

The average burden for state and local governments to respond to requests for MSDSs or Tier II information under 40 CFR 370.30 is estimated to be 0.17 hours per request. The average burden for state and local governments for managing and maintaining the reports is estimated to be 32.25 hours. The average burden for maintaining and updating the 312 database is 320 hours. The total burden to facilities over the three-year information collection period is estimated to be 5,686,000 hours, at a cost of \$186 million, with an associated state and local burden of 401,000 hours at a cost of \$9.2 million. The burden hours listed here are from the previously approved ICR. The labor costs have been adjusted to December

2003 wage rate published by U.S. Bureau of Labor Statistics.

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.

Dated: May 17, 2004.

**Deborah Y. Dietrich,**

*Director, Office of Emergency Prevention, Preparedness and Response.*

[FR Doc. 04-11560 Filed 5-20-04; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-6651-7]

### Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared May 3, 2004 Through May 7, 2004 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564-7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 2, 2004 (69 FR 17403).

#### Draft EISs

**ERP No. D-FHW-D40323-PA** Rating EC2, U.S. 202, Section ES1 Improvements Project, To Relieve Traffic Congestion and Improve the Corridor, Funding and U.S. Army COE Section 404 Permit, Delaware and Chester Counties, PA.

**Summary:** EPA has environmental concerns with the proposed project regarding potential impacts to surface water, forested habitat, historic structures, and Environmental Justice areas. EPA recommends utilizing the existing loop road into the final design

to further avoid and minimize impacts to aquatic resources.

**ERP No. D-FHW-F40421-IN** Rating EO2, US-31 Improvement from Plymouth to South Bend, Running from Southern Terminus at US-30 to Northern Terminus at US-20, Marshall and St. Joseph Counties, IN.

**Summary:** EPA has environmental objections regarding the proposed project based on the magnitude of wetland impacts. EPA requested that additional alternatives be analyzed.

**ERP No. D-NPS-D65028-PA** Rating LO, Lackawanna Heritage Valley a State and National Heritage Area, Management Action Plan, Implementation, Lackawanna, Luzerne, Wayne and Susquehanna Counties, PA.

**Summary:** EPA expressed lack of objections with the preferred alternative.

**ERP No. D-SFW-J64009-CO** Rating EC2, Rocky Flats National Wildlife Refuge Comprehensive Conservation Plan, 15-Year Guidance for Management of Refuge Operations, Habitat Restoration and Visitor Services, Implementation, Jefferson and Boulder Counties, CO.

**Summary:** EPA expressed concerns over potential environmental impacts to the Refuge from adjacent land uses. EPA recommended that additional information be provided regarding potential indirect impacts from the proposed development of the transportation corridor, including identification of feasible mitigation measures to offset those impacts. EPA also suggested further discussion of the DOE retained area in terms of weed dispersal and projected final contamination levels.

**ERP No. DS-AFS-L39057-OR** Rating EC2, Rimrock Ecosystem Restoration Projects, New Information on the Commercial and Non-commercial Thinning Treatments in the C3 Management Area, Umatilla National Forest, Heppner Ranger District, Grant, Morrow and Wheeler Counties, OR.

**Summary:** EPA continued to express concerns with air quality impacts from prescribed burning, the funding of restoration projects and adverse impacts from roads.

#### Final EISs

**ERP No. F-AFS-D40322-PA** Sugar Run Project Area (SRPA), To Achieve and Maintain the Desired Conditions as stated in Forest Plan, Allegheny National Forest, Bradford Ranger District, McKean County, PA.

**Summary:** EPA's comments are adequately addressed in the Final EIS. Therefore, EPA has no objection to the proposed action.

**ERP No. F-AFS-D65027-00** Jefferson National Forest Revised Land and Resource Management Plan, Implementation, Mount Rogers National Recreation Area, Clinch, Glenwood, New Castle, and New River Valley Rangers Districts, VA, WV, and KY.

**Summary:** EPA expressed environmental concerns due to potential impacts from erosion/sedimentation, air emissions, and ground water contamination. EPA suggested that these issues be addressed as the plan is implemented.

**ERP No. F-AFS-J65380-UT** Prima East Clear Creek Federal No. 22-42 Gas Exploration Well, Application for Permit to Drill (APD) including a Surface Use Plan of Operations, Approval, Castle Valley Ridge, Ferron/Price Ranger District, Manti-La Sal National Forest, Carbon and Emery Counties, UT.

**Summary:** No formal comment letter was sent to the preparing agency.

**ERP No. F-COE-L36115-WA** Centralia Flood Damage Reduction Project, Chehalis River, Lewis and Thurston Counties, WA.

**Summary:** EPA expressed continuing concerns that potential impacts to the Total Maximum Daily Load (TMDL) for the upper Chehalis River were not analyzed, and continuing concerns that wetland mitigation proposed is not sufficient to compensate for impacts to wetland functions.

**ERP No. F-IBR-K65259-CA** Pajaro Valley Water Management Agency (PVWMA) Revised Basin Management Plan Project, Connection of PVWMA Pipeline to the Santa Clara Conduit of the Central Valley Project (CVP), Santa Cruz, Monterey and San Benito Counties, CA.

**Summary:** EPA continues to express concerns regarding cumulative impacts to the Pajaro Valley, San Joaquin Valley, and Central Valley Project operations from imported water projects.

**ERP No. F-NPS-D65028-PA** Lackawanna Heritage Valley—a State and National Heritage Area, Management Action Plan, Implementation, Lackawanna, Luzerne, Wayne and Susquehanna Counties, PA.

**Summary:** EPA expressed lack of objections with the preferred alternative.

Dated: May 18, 2004.

**Ken Mittelholtz,**

*Environmental Protection Specialist, Office of Federal Activities.*

[FR Doc. 04-11563 Filed 5-20-04; 8:45 am]

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