

from the BCP Initial Audit were going to be implemented. When was the power repayment spreadsheet study going to be modified? All parties were encouraged to accomplish this as soon as possible.

Response: Western and Reclamation are working with the BCP Contractors and the auditors to resolve and implement the recommendations from the BCP Initial Audit. There has been an on-going effort in researching and reconciling the financial records with the PRSS. Until the research is completed for such items as revenues, expenses and cash, adjustments to the PRSS and the financial records cannot be accomplished. It is Western's intent to have all research, reconciliations, adjustments to financial records, and modifications to the PRSS accomplished by the end of the FY 1997 rate process.

Project Partnership

Issue: Several commentors expressed their appreciation to Western and Reclamation for their cooperative efforts in keeping the costs as low as possible. They stated that they hoped that Western and Reclamation would continue with those efforts.

Response: Western and Reclamation reaffirmed their commitment to maintaining the cooperative spirit and partnership with the BCP customers.

Power Repayment Spreadsheet Study

Issue: A request was made, asking that supporting schedules separate Reclamation's O&M costs attributable to Hoover Dam and appurtenances, from the O&M costs attributable to the power plant.

Response: As stated in the data request response mailed July 2, 1996, Reclamation's O&M cost accounts are set up to reflect the FERC classifications. Reclamation's accounting system does not distinguish between costs associated with the dam and appurtenances, and costs associated with the power plant; therefore, this information cannot be provided.

By Amendment No. 3 to Delegation Order No. 0204-108, published November 10, 1993 (58 FR 59716), the Secretary of Energy (Secretary) delegated (1) the authority to develop long-term power and transmission rates on a nonexclusive basis to the Administrator of Western; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary; and (3) the authority to confirm, approve, and place into effect on a final basis, to remand, or to disapprove such rates to FERC. Existing DOE procedures for public participation in power rate adjustments

(10 CFR Part 903) became effective on September 18, 1985 (50 FR 37835).

These charges and rates are established pursuant to section 302(a) of the DOE Organization Act, 42 U.S.C. 7152(a), through which the power marketing functions of the Secretary of the Interior and Reclamation under the Reclamation Act of 1902, 43 U.S.C. 371 *et seq.*, as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Project Act of 1939, 43 U.S.C. 485h(c), and other acts specifically applicable to the project system involved, were transferred to and vested in the Secretary.

Issued in Washington, DC, September 23, 1996.

Charles B. Curtis,

Deputy Secretary.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-5618-6]

Agency Information Collection Activities: Proposed Collection; Comment Request; Emergency Planning and Release Notification Requirements; Community Right-to-Know Reporting Requirements; Trade Secret Claims for Emergency Planning and Community Right-to-Know Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) this notice announces that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB). 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. The ICRs are: (1) continuing ICR entitled "Emergency Planning and Release Notification Requirements (EPCRA sections 302, 303, and 304)," (2) continuing ICR entitled "Community Right-to-Know Reporting Requirements (EPCRA sections 311 and 312)," (3) continuing ICR entitled "Trade Secret Claims for Emergency Planning and Community Right-to-Know 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.

DATES: Comments must be submitted on or before November 29, 1996.

ADDRESSES: Submit three copies of all written comments to: Lea Anne Gleason (202) 260-7387, fax (202) 260-0927, E-Mail Gleason.L@EPAMail.EPA.Gov, or John Ferris (202) 260-4043, fax (202) 260-0927, E-Mail Ferris.J@EPAMail.EPA.Gov.

The above information can also be used to obtain a copy of the ICR without charge.

FOR FURTHER INFORMATION CONTACT: Lea Anne Gleason, (202) 260-7387 or John Ferris (202) 260-4043, or as above.

SUPPLEMENTARY INFORMATION:

Information below is provided for the three Information Collection Requests (ICRs):

Affected entities: Entities potentially affected by this action are those who (1) must comply with the emergency planning and emergency release notification provisions of EPCRA sections 302, 303, and 304, (2) must comply with Right-to-Know provisions of EPCRA requiring reporting information about the presence of chemicals and their inventories (Sections 311 and 312 of EPCRA) or (3) wish to file a claim of trade secrecy of reporting requirements under Sections 322 (trade secrets).

Title: (1) Emergency Planning and Release Notification Requirements (EPCRA sections 302, 303, and 304). OMB #2050-0092, EPA ICR #1395.02, expiring 01/31/97.

Abstract: EPCRA established broad emergency planning and facility reporting requirements. Section 302 (40 CFR 355.30) requires any facility where an extremely hazardous substance (EHS) is present in an amount at or in excess of the threshold planning quantity (TPQ) to notify the state emergency response commission (SERC) by May 17, 1987. This activity has been completed; the section 302 costs and burden hours for this ICR, therefore, reflect only the estimate of the cost and burden incurred by those additional facilities who come to have an EHS in excess of the TPQ during the years 1996 through 1999.

Section 303 (40 CFR 355.30) requires local emergency planning committees (LEPCs) to prepare emergency plans. Facilities subject to section 302 are required to provide local planners with information necessary for the preparation of these emergency plans. In addition, the facilities are required to inform LEPCs of any relevant changes in

chemical use or production that may effect the emergency plans. Section 303 requires LEPCs to complete their emergency plans by October 17, 1988. This ICR therefore reflects the costs attributable to the requirement of annually updating the local emergency response plans.

Section 304 (40 CFR 355.40) requires facilities to report to SERCs and LEPCs releases of EHSs and hazardous substances in excess of reportable quantities established by EPA. In addition, facilities must provide a written follow-up report providing additional information on the release, its impacts and any actions taken in response to the release.

Title: (2) Community Right-to-Know Reporting Requirements, (EPCRA sections 311/312). OMB #2050-0072, EPA ICR #1352.03, expiring 01/31/97.

Abstract: Section 311 requires that the owner or operator of any facility which is required to prepare or have available a material safety data sheet (MSDS) for a hazardous chemical under OSHA regulations shall submit an MSDS for each such chemical, or list of chemicals, to the LEPC, SERC and local fire department. This submittal allows both local emergency planners/responders and the community to have information regarding the hazards of chemicals use at the facility.

Section 312 requires the same owners or operators of facilities to report annually the inventories of the chemicals reported under section 311. Section 312(g) requires EPA to publish emergency and hazardous chemical inventory forms for use by facilities subject to this section. In final rules published in the Federal Register on October 15, 1987, and July 26, 1990, EPA published the two "formats" required under EPCRA. Tier 1 is the minimum amount of information to comply with the section. Using Tier 1, facilities aggregate reportable chemicals by hazard type and provide the quantities and locations of the chemicals. The Tier II form provides chemical specific information, and only needs to be submitted (in lieu of Tier I) if specifically requested by the SERC or LEPC.

Section 311 allows emergency responders to know the hazards associated with the facility's chemicals before they come on-site. Local planners can use this information to supplement the emergency planning requirements under section 303 of EPCRA. Availability of the information through "community right-to-know" enables the public to understand the presence and hazards of chemicals in their community.

The annual inventory under section 312 of EPCRA is used in conjunction with the information provided under section 311 to link the quantity and location of chemicals with the hazards associated with the chemicals.

Title: (3) Trade Secrets under EPCRA, SARA Title III, sections 322. OMB Control # 2005-0078, EPA ICR # 1428.03, expiring 02/28/97.

Abstract: Section 322 of Title III allows a facility to withhold the specific chemical identity from Title III reports required under Sections 302, 304, 311, 312 and 313 of the statute, if the facility asserts a claim of trade secrecy for that chemical identity. The provision establishes the requirements and procedures that facilities must follow to request trade secrecy treatment of chemical identities, as well as the procedures for submitting public petitions to the Agency for review of the "sufficiency" of trade secrecy claims.

Congress's intent in writing trade secrecy provisions under Title III was to balance industry's concern with the protection of legitimate trade secrets with communities' right-to-know chemical identification information, by establishing procedures for asserting claims, for the public to obtain review of their validity, and for an Agency claim review process which eliminates legally invalid and frivolous claims.

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 all ICR claims listed above, 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.

In particular, EPA is seeking comments on its assumption in ICR

#1395.03 that 10% of facilities would contact LEPCs about changes on a yearly basis, that 5% provide additional information, and that portions of release reports are routinely provided as part of other (e.g. police) reports and thus excluded from the burden estimate as customary and usual. Also, EPA is seeking comment on (1) its assumption in ICR #1352.04 that 5% of facilities need to update their 311 submittal annually and (2) the time it takes to respond to public comments.

Burden Statement: For (1) Reporting Requirements under EPCRA Sections 302, 303, and 304, EPA estimated in 1995 that 31,556 facilities are subject to these sections. The average annual burden for all facilities together was estimated to be 175,941 hours, at a cost of \$9,934,106. Associated state and local average annual burden is estimated to be 796,721 hours at a cost of \$17,791,240.

Burden Statement: For (2) Reporting Requirements under EPCRA Sections 311 and 312 EPA estimates the number of manufacturing and non-manufacturing facilities covered under Sections 311 and 312 to be 866,285. The average annual burden for all facilities together was estimated in 1995 to be 2,952,765 hours, at a cost of \$159,501,922, with associated State and local average annual burden to be 2,987 hours, at a cost of \$48,058.

Burden Statement: For (3) Trade Secrets claims under sections 322, EPA estimated in 1993 that in 1996 there would be a total of 469 trade secret claims requiring a burden of 14,759 hours at a cost of \$700,490.

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: September 16, 1996.

Jim Makris,

Director, CEPPPO.

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