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Lois D. Cashell,
Secretary.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-5653-5]

Toxic Chemical Release Reporting, Recordkeeping, Supplier Notification and Petitions; Renewal Submission to OMB; OMB No. 2070-0093

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), and 5 CFR 1320.12(c) of its implementing regulations, this notice announces that the Office of Prevention, Pesticides and Toxic Substances has forwarded the Information Collection Request (ICR) abstracted in this notice to the Office of Management and Budget (OMB) for review and approval pursuant to 5 CFR 1320.12(a)(2). The ICR, which is entitled: Toxic Chemical Release Reporting, Recordkeeping, Supplier Notification, and Petitions under Section 313 of the Emergency Planning and Community Right-to-Know Act (EPA ICR No. 1363.06; OMB Approval No. 2070-0093), describes the nature of the information collection, its expected cost and burden, and the actual data collection instrument or form. The Agency is requesting that OMB renew its approval of this ICR, which has been approved under a Congressional legislative extension of an OMB approval in 1992 and is effective until the Agency promulgates revisions to the Form R and Instructions pursuant to law. On August 30, 1996, EPA issued a Federal Register notice proposing this submission and providing 60 days for public comment on the request and the

contents of this ICR (61 FR 45964). EPA received several comments during the comment period, many of which related to a recent, but separate, proposed rule to expand reporting under EPCRA section 313, those comments were forwarded to the EPA staff working on that rulemaking. Comments directly related to this ICR have been addressed within the revised ICR submitted to OMB.

DATES: Any additional comments must be submitted to the addresses listed below on or before December 23, 1996.

FOR A COPY CALL: Sandy Farmer at EPA, 202-260-2740, or via e-mail at "farmer.sandy@epamail.epa.gov" and refer to EPA ICR No. 1363.06; OMB No. 2070-0093.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to the following addresses: Ms. Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (2136), 401 M Street, SW, Washington, DC 20460, with a copy also sent to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503. Please refer to EPA ICR No. 1363.06 and OMB Control No. 2070-0093 in any correspondence.

SUPPLEMENTARY INFORMATION:

Review Requested: This is a request to extend the approval for a current information collection.

ICR Numbers: EPA ICR No. 1363.06 and OMB No. 2070-0093.

Current Expiration Date: Congress legislatively extended the approval granted by OMB in May 1992 until EPA promulgates changes to the Form R and Instructions. As indicated within this ICR, EPA is amending the Form R and Instructions in response to several comments.

Respondents: The statute applies the reporting requirement to owners and operators of facilities that have 10 or more full-time employees, manufacture or process more than 25,000 pounds or otherwise use more than 10,000 pounds of a listed chemical, and are in Standard Industrial Classification (SIC) codes 20 through 39. The SIC code determination applies to all operations within each two-digit category, including all sub-categorizations to the four-digit level. The following listing identifies the SIC codes and corresponding categories at the two-digit level:

SIC code	Industry Group
20	Food

SIC code	Industry Group
21	Tobacco
22	Textiles
23	Apparel
24	Lumber and Wood
25	Furniture
26	Paper
27	Printing/Publishing
28	Chemicals
29	Petroleum
30	Rubber and Plastics
31	Leather
32	Stone, Clay, and Glass
33	Primary Metals
34	Fabricated Metals
35	Machinery (ex. electrical)
36	Electrical/Electronic equipment
37	Transportation Equipment
38	Instruments
39	Miscellaneous Manufacturing

Establishments that are part of a multi-establishment facility have the option to report separately, provided that all of the releases and waste management data from all of the establishments in that facility are reported.

Title: Toxic Chemical Release Reporting, Recordkeeping, Supplier Notification, and Petitions under Section 313 of the Emergency Planning and Community Right-to-Know Act.

Abstract: This Information Collection Request (ICR) covers the information collection requirements for toxic chemical release reporting under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (42 U.S.C. 11001 et seq.) and the information collection in section 6607 of the Pollution Prevention Act (PPA) (42 U.S.C. 11071 to 11079). In short, EPCRA § 313 requires owners or operators of certain facilities (i.e., currently manufacturing facilities in Standard Industrial Classification (SIC) codes 20 through 39) manufacturing, processing, or otherwise using any of over 600 listed toxic chemicals and chemical categories (hereafter "toxic chemicals") in excess of the applicable threshold quantities, and meeting certain requirements (i.e., at least 10 employees), to report environmental releases and transfers of and waste management activities for such chemicals annually. Under section 6607 of the PPA, facilities must provide information on the quantities of the toxic chemicals in waste streams and the efforts made to reduce or eliminate those quantities. Currently, facilities subject to the TRI reporting requirements may either use the EPA Toxic Chemical Release Inventory Form R (EPA Form 9350-1), or the EPA Toxic Chemical Release Inventory Form A (formerly "Certification Statement",

EPA Form 9350-2, which is approved under OMB Number 2070-0143). The Form R must be completed if a facility manufactures, processes, or otherwise uses any listed chemical above threshold quantities and meets certain other criteria. For the Form A, EPA established an alternate threshold for those facilities with low annual reportable amounts of a listed toxic chemical. A facility that meets the appropriate reporting thresholds, but estimates that the total annual reportable amount of the chemical does not exceed 500 pounds per year, can take advantage of an alternate manufacture, process, or otherwise use threshold of 1 million pounds per year for that chemical, provided that certain conditions are met, and submit the Form A instead of the Form R.

In accordance with EPCRA section 313 (and PPA section 6607 because of its linkage to EPCRA), EPA's Office of Pollution Prevention and Toxics (OPPT) collects, processes, and makes available to the public all of the information collected. The information gathered under these authorities is stored in a database maintained at both EPA and the National Library of Medicine (NLM); NLM provides public access to the TRI database through the Toxicology Data Network (TOXNET). The TRI has been used extensively by both EPA and the public sector. Program offices within EPA have used the TRI, along with other sources of data, to establish priorities, evaluate potential exposure scenarios, and for enforcement activities. Environmental and public interest groups have used the data in several studies and reports, making the public more aware of releases of chemicals in their communities.

Comprehensive publicly-available data about releases, transfers, and other waste management activities of toxic chemicals at the community level, outside of EPCRA section 313, are generally not available. Permit data are often difficult to obtain, are not cross-media and present only a limited perspective on a facility's overall performance. With TRI, and the real gains in understanding it has produced, communities and governments know what listed toxic chemicals industrial facilities (SIC 20-39) in their area release, transfer, or otherwise manage as waste. In addition, industries have an additional tool for evaluating efficiency and progress on their pollution prevention goals.

OMB approved the reporting and recordkeeping requirements related to Form R, supplier notification, and petitions under OMB Control No. 2070-0093 (EPA ICR No. 1363). Although that

OMB approval would have ordinarily expired on November 30, 1992, Congress extended the approval legislatively in September of 1992, until EPA promulgates changes to the Form R and Instructions. This approval was contained in the 1993 Department of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, Pub.L. 102-389, signed October 6, 1992, which specifically states that:

Notwithstanding the Paperwork Reduction Act of 1980 or any requirements thereunder the Environmental Protection Agency Toxic Chemical Release Inventory TRI Form R and instructions, revised 1991 version issued May 19, 1992, and related requirements (OMB No. 2070-0093), shall be effective for reporting under section 6607 of the Pollution Prevention Act of 1990 (Public Law 101-508) and section 313 of the Superfund Amendments and Reauthorization Act of 1990 (Public Law 99-499) until such time as revisions are promulgated pursuant to law.

OMB's approval of this ICR will replace the Congressional extension of OMB's 1992 approval described above, requiring EPA to seek subsequent OMB approvals pursuant to the Paperwork Reduction Act (PRA) (Pub. L. 104-13, codified at 44 U.S.C. 3501-3520) and the procedures specified at 5 CFR 1320.12. As specified by 5 CFR 1320.12(a)(1), EPA issued a Federal Register notice on August 30, 1996, which sought comments as required by 5 CFR 1320.8(d) regarding the burden estimates and the information collection activities described in the proposed ICR (61 FR 45964). EPA has reviewed the comments received during the 60-day comment period, and is submitting this final ICR to OMB for review and approval, pursuant to 1320.12(a)(2). Until OMB approves EPA's proposed changes to the Form R and Instructions, as described in this ICR, the Congressional extension of OMB's 1992 approval and use of the previous Form R and instructions will continue in effect.

A commenter to the proposed ICR stated that the Congressional extension of OMB's 1992 approval, which basically exempted the Agency from the requirements of the PRA, was superseded by the reauthorization and amendment of the PRA in 1995. In essence asserting that the Congressional extension of OMB's 1992 approval expired in 1995 because Congress cited the 1980 PRA, which ceased to exist when the 1995 PRA was enacted in its place. The commenter asserts that the Agency was, therefore, required to seek OMB approval even though no changes to the Form R and Instructions were made. The flaws in this interpretation

are obvious because it is clear that the 1995 reauthorization and amendments to the PRA did not in any way invalidate or otherwise change, any of the OMB approvals previously granted. This is especially true in light of the legislative interpretation maxim that "implicit repeals are disfavored," i.e., when Congress means to repeal an earlier exemption, Congress will use explicit language to do so. In this case, Congress used no such language and, to the contrary, discusses the continuation of previous approvals until their scheduled renewals.

The Paperwork Reduction Act of 1995 states that the Agency must certify that each information collection it submits to OMB for review and approval meets specified standards. EPA must certify that the collection is: 1) necessary for the proper performance of EPA's functions, and that it has practical utility; 2) is not unnecessarily duplicative of information EPA otherwise can reasonably access; and 3) reduces, to the extent practicable and appropriate, the burden on persons providing the information to or for EPA. In this ICR, EPA clearly demonstrates that the information being collected under EPCRA section 313 is necessary for the implementation of the law and is of essential use to the Agency in carrying out its functions by listing ways in which Agency program offices and outside parties utilize the data; that the information collected in EPA reporting Form R is not duplicative of information collected by other environmental regulations as evidenced by the information contained in chapter 5 of this ICR; and, that through use of the alternate threshold reporting option, the petition process, automated Form R reporting, the TRI List Review effort which evaluates the original list of TRI chemicals and removes from the EPCRA section 313 reporting list any chemical which does not meet the listing criteria, EPA has reduced, to the best of its ability, the burden on persons providing the information being collected under EPCRA section 313.

The existing reporting and recordkeeping requirements associated with Form R, supplier notification and petitions are discussed in this ICR (EPA ICR No. 1363), which is separate from the ICR related to the alternate reporting requirement of Form A. The reporting and recordkeeping requirements associated with the alternate reporting requirement using Form A are contained in a separate ICR and are approved under OMB Control No. 2070-0143 (EPA ICR No. 1704). OMB recently extended its approval of EPA ICR No. 1704, which was scheduled to expire on

September 30, 1996, providing a new expiration date of May 31, 1998. Please note that these two ICRs function entirely separately, such that the OMB action taken with regard to EPA ICR No. 1704 applies only to the alternate reporting requirements and Form A, and that any OMB action taken with regard to this ICR (EPA ICR No. 1363.06), will apply only to the existing reporting and recordkeeping requirements associated with Form R, supplier notification and petitions. The revised form discussed in this ICR will not become effective until OMB approves it.

In addition, EPA recently proposed to amend the TRI reporting and recordkeeping requirements by proposing to add several additional industry groups to the universe of respondents subject to reporting (61 FR 33588, June 27, 1996). As required by section 3507(d) of the PRA and 5 CFR 1320.11, EPA announced and sought comment on the proposed Expansion of the List of Industrial Groups ICR (EPA ICR No. 1784), which provided burden estimates for the information collection contained in the proposed rule. Since the comment period for the industrial group expansion rule was extended for an additional 30 days, the public had a total of 90 days to provide comments on the information collection requirements contained in that proposed rule.

When the final rule for Industry Expansion is issued, the information collection requirements contained in the final rule will be reflected in a revised EPA ICR No. 1784, which will be submitted to OMB for review and approval pursuant 5 CFR 1320.11(h). That submission must occur no later than publication of that final rule in the Federal Register and the submission must be announced in a Federal Register (issued either separately or as part of the final rule). Upon OMB's approval of the expansion related ICR (ICR No. 1784.02), EPA will amend add the expansion burdens to the existing burdens associated with overall TRI reporting and recordkeeping (i.e., those in ICR Nos. 1363 and 1704). Specifically, EPA would amend the existing ICRs by submitting an Information Correction Worksheet to OMB requesting that the burden hours associated with each ICR be adjusted to include the new burden hours imposed by that final rule.

EPA received several comments on this ICR during its 60 day comment period. In general, the commenters submitting information to EPA ICR No. 1363.06 were comprised mainly of industry members in addition to two commenters from the Federal Government. Copies of these comments

can be found in docket number OPPTS-198. Comments received focused mainly on the practical utility of the information collected by EPA under EPCRA section 313; the Agency's definition of "release" as reflected in TRI reporting Form R, §§ 5.4 and 5.5.1; EPA's adherence to the Paperwork Reduction Act of 1980 and 1995; the purported need for EPA to measure risk, not releases; and, the need for further consideration by the Agency of an expanded use of TRI reporting Form A, the alternate threshold reporting form. EPA has provided additional information and discussion herein, as applicable, in response to the comments submitted to the ICR. Those issues that related solely to the requirements contained in the alternate reporting threshold rule, or those contained in the recently proposed expansion rule, were forwarded to the appropriate staff for consideration in relationship to those requirements.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 47.1 hours per Form R submitted. This estimate 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. No person is 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 displayed in 40 CFR Part 9.

Respondents/Affected Entities: Chemical facilities that manufacture, process or otherwise use certain toxic chemicals and which are required, under EPCRA section 313, to report annually to EPA their environmental releases of such chemicals.

Estimated No. of Respondents: 23,725.

Estimated Total Annual Burden on Respondents: 5,538,727 hours.

Frequency of Collection: Annual.

Accordingly, this ICR has been submitted to OMB for review and approval.

Changes in Burden Estimates: The total respondent burden has increased approximately 651,000 hours from the

previous ICR. A table in the ICR (Table 16), illustrates the major program changes and adjustments that have occurred since the previous ICR and the corresponding changes in the number of expected Form R Forms and related annual burden estimates. The impacts of the 1995 and 1996 program changes on the Form A ICR (No. 1704) burden are also included in the discussion, but the burdens are not included in the total estimates for this ICR. The changes in burden can be attributed to several factors, as briefly discussed below:

1994 Program Change—Chemical Expansion Rule. In November 1994, EPA added 286 chemicals and chemical categories to the EPCRA section 313 list of chemicals and chemical categories. These new chemicals were reportable beginning with the 1995 reporting year. This program change would, at full compliance, add up to 14,036 reports, or an additional 729,872 burden hours. The Chemical Expansion Rule would, at full compliance, also result in an additional 407 supplier notification facilities, for an increase in total annual burden of 9,768 hours. The total impacts due to the Chemical Expansion Rule are therefore an additional 14,036 reports and an increase in burden of 739,640 hours.

A. 1995 Program Change—Alternate Threshold Rule. In 1995, EPA provided a simplified reporting option for facilities with an annual reportable amount of less than 500 pounds for a chemical. Facilities that do not exceed the reportable amount of 500 pounds and that do not exceed the alternate activity threshold of one million pounds have the option of reporting on Form A (a two page certification) in lieu of the nine page Form R. Up to 23,288 fewer Form Rs may be filed as a result, for a decrease in annual burden of 1,210,976 hours.

1995 and 1996 Program Changes—Petition Delistings. The list of toxic chemicals subject to reporting under EPCRA section 313 is not static. The list can be modified either as a result of an Agency-initiated action or as a result of a petition submitted by the public. If a listed chemical does not meet the toxicity criteria of EPCRA section 313(d)(2), the Administrator may delete the chemical from the EPCRA section 313 list. Since the previous ICR, a number of chemicals have been delisted, or had their listings modified in such a way as to reduce reporting. These include ammonia, sulfuric acid, acetone, butyl benzyl phthalate, certain copper phthalocyanine compounds, hydrochloric acid, and diethyl phthalate. At full compliance, this is estimated to reduce the number of Form

Rs by 12,386 reports and total annual burden by 644,072 hours.

I. Adjustments. Several adjustments were made to update burden estimates. In 1994, the unit burden for the compliance activities of calculations and report completion and recordkeeping needed for Form R completion was increased, resulting in a total increase in burden of 1,523,016 hours. Additional adjustments include an increase in the burden for compliance determination, a further increase in the burden for calculations and report completion, a decrease in the respondent universe from 188,232 to 185,266 facilities, and an adjustment for the burden of completing petitions. These adjustments combined result in a burden increase of 1,766,455 hours.

A. Wage Rates. An increase in wage rates from the previous ICR to account for inflation, while not affecting respondent burden, has increased the unit cost to respondents.

The program changes reduced burden by an estimated 1,115,408 hours while the adjustments resulted in an estimated increase of 1,766,455 hours, yielding a net increase of 651,047 hours.

Dated: November 15, 1996.

Richard T. Westlund,
Acting Director, Regulatory Information
Division.

[FR Doc. 96-29796 Filed 11-20-96; 8:45 am]

BILLING CODE 6560-50-P

[OPPTS-00186A; FRL-5573-9]

Facility Identification Initiative; Notice of Public Meetings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: EPA will hold two public meetings to receive public comment on issues regarding the consolidated reporting of facility identification information, as raised by the Agency's facility identification initiative.

DATES: The meetings will take place in Chicago, IL, on December 10, 1996, and in Washington, DC, on December 12, 1996. Both meetings will begin at 10 a.m. and will continue through 4 p.m. or until all speakers have had the opportunity to make presentations, whichever is first. The registration deadline for those interested in speaking at either meeting is December 5, 1996.

ADDRESSES: The meeting in Washington, DC will be held at the EPA Education Center, Environmental Protection Agency, 401 M St., SW., Washington, DC. The meeting in Chicago, IL will be held at U.S. EPA, Region 5, Metcalf

Building Rm. 325, 77 West Jackson Blvd., Chicago, IL.

FOR FURTHER INFORMATION CONTACT:

Diane Sheridan, Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. NE-G606E, Mail Code 7407, 401 M St., SW., Washington, DC 20460, Telephone: (202) 260-3435, e-mail: sheridan.diane@epamail.epa.gov. To register to speak, please call the registration line at (703) 218-2700.

SUPPLEMENTARY INFORMATION: The Facility Identification Initiative represents a significant Agency reinvention commitment. The overarching goal of the Facility Identification Initiative is to streamline access to and reporting of environmental data by establishing a uniform set of facility identification data and the infrastructure needed to make it operational. The President announced this initiative in the March 1995 report, Reinventing Environmental Regulation.

On October 7, 1996 (61 FR 52588) (FRL-4991-5), the Agency issued a notice in the Federal Register to outline the Facility Identification Initiative and present numerous issues and several options for public comment. The purpose of the public meetings is to provide public forums for interested parties to provide input on the issues raised by the Facility Identification Initiative. Oral statements may be limited to 10 minutes per person and will be scheduled on a first-come first-serve basis by calling the telephone number listed under **FOR FURTHER INFORMATION CONTACT**. EPA encourages meeting participants to provide written statements. All statements will become part of the public record and will be considered in the development of any approaches toward implementing the Facility Identification Initiative. In order to accommodate and schedule speakers, EPA requests that those interested in speaking register by December 5, 1996.

List of Subjects

Environmental protection.

Dated: November 15, 1996.

William H. Sanders III,
Director, Office of Pollution Prevention and Toxics.

[FR Doc. 96-29797 Filed 11-20-96; 8:45 am]

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[FRL-5653-6]

Clean Air Act Advisory Committee: Accident Prevention Subcommittee Conference Call Meeting—December 11, 1996, 2:00-4:00 EST

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: The Clean Air Act section 112(r) required EPA to publish regulations to prevent accidental releases of chemicals and to reduce the severity of those releases that do occur. These accidental release prevention requirements build on the chemical safety work begun by the Emergency Planning and Community Right-to-Know Act (EPCRA) which sets forth requirements for industry, State and local governments. On June 20, 1996, EPA published the final rule for risk management programs to address prevention of accidental releases.

An estimated 66,000 facilities are subject to this regulation based on the quantity of regulated substances they have on-site. Facilities that are subject will be required to implement a risk management program at their facility, and submit a summary of this information to a central location specified by EPA. This information will be helpful to State and local government entities responsible for chemical emergency preparedness and prevention. It will also be useful to environmental and community organizations, and the public in understanding the chemical risks in their communities. In addition, we hope the availability of this information will stimulate a dialogue between industry and the public to improve accident prevention and emergency response practices.

The Accident Prevention Subcommittee was created in September 1996 to advise EPA's Chemical Emergency Preparedness and Prevention Office (CEPPO) on these chemical accident prevention issues, specifically, section 112(r) of the Clean Air Act.

DATES: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. 2, notice is hereby given that the Accident Prevention Subcommittee of the Clean Air Act Advisory Committee will hold a public teleconference on December 11, 1996 from 2:00 p.m. to 4:00 p.m. Eastern Standard Time.

ADDRESSES: The meeting will be held in the Washington Information Center #13 North, in EPA Headquarters, 401 M St. NW, Washington, D.C. 20460. Members of the public are welcome to attend in