

April 30, 2000. 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 February 25, 2000.

**ADDRESSES:** Comments should be submitted to the attention of Air Docket A-91-42; Environmental Protection Agency; 401 M Street, SW. (MC-6102); Washington, DC 20460 (submissions may be faxed to (202) 260-4400). The Air Docket is located in Room M-1500; Waterside Mall (Ground Floor); U.S. Environmental Protection Agency; 401 M Street, SW; Washington, DC 20460. The docket may be inspected Monday through Friday from 8:00 a.m. to 5:30 p.m. A reasonable fee may be charged for copying docket materials. For further questions, contact the docket at (202) 260-7549.

**FOR FURTHER INFORMATION CONTACT:**

Kelly Davis at phone (202) 564-2303, fax: (202) 565-2096 or email: [davis.kelly@epa.gov](mailto:davis.kelly@epa.gov)

**SUPPLEMENTARY INFORMATION:**

*Title:* Significant New Alternatives Policy (SNAP) Program Final Rulemaking Under Title VI of the Clean Air Act Amendments of 1990 (OMB Control No. 2060-0226; EPA ICR No. 1596.04) expiring 4/30/00. This is a request for extension of a currently approved collection.

*Abstract:* Information collected under this rulemaking is necessary to implement the requirements of the Significant New Alternatives Policy (SNAP) program for evaluating and regulating substitutes for ozone-depleting chemicals being phased out under the stratospheric ozone protection provisions of the Clean Air Act (CAA). Under CAA Section 612, EPA is authorized to identify and restrict the use of substitutes for class I and class II ozone-depleting substances where EPA determines other alternatives exist that reduce overall risk to human health and the environment. The SNAP program, based on information collected from the manufacturers, formulators, and/or sellers of such substitutes, identifies acceptable substitutes. Responses to the collection of information are mandatory under Section 612 for anyone who sells or, in certain cases, uses substitutes for an ozone-depleting substance after April 18, 1994, the effective date of the final rule. Under CAA Section 114(c), emissions information may not be claimed as confidential. 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.

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 330 total respondents per year for all SNAP activities included in this ICR. Each respondent will respond only once, with a total annual hour burden of 10,363 hours. The labor cost associated with these hours is approximately \$52.00/hour, equaling a total labor cost of \$538,772 per year. The annualized start-up and operation and maintenance costs total \$44,452. The total annual cost burden of this information collection is \$583,224.

An ICR SF-83 Supporting Statement for this collection request is available in Air Docket A-91-42 Category IX-A-22 by contacting the Docket at (202) 260-7548. This supporting statement provides detailed explanation and calculations of the burden presented above.

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: January 18, 2000.

**Paul Stolpman,**

*Director, Office of Atmospheric Programs.*

[FR Doc. 00-1837 Filed 1-25-00; 8:45 am]

BILLING CODE 6560-50-U

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6529-3]

### Notice of Correction and Clarification of Statements Contained in Notice of Proposed Source Specific Federal Implementation Plan for Four Corners Power Plant; Navajo Nation and in Notice of Proposed Source Specific Federal Implementation Plan for Navajo Generating Station; Navajo Nation

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

**ACTION:** Correction and clarification.

**SUMMARY:** EPA is hereby correcting and clarifying certain statements contained in the Notice of Proposed Source Specific Federal Implementation Plan for Four Corners Power Plant; Navajo Nation as well as certain similar statements contained in the Notice of Proposed Source Specific Federal Implementation Plan for Navajo Generating Station; Navajo Nation relating to the Navajo Nation's authority under the Clean Air Act to regulate emissions from the Four Corners Power Plant and the Navajo Generating Station, coal-fired power plants located on the Navajo Indian Reservation near Farmington, New Mexico and Page, Arizona, respectively.

**FOR FURTHER INFORMATION CONTACT:**

David R. LaRoche, Office of Air and Radiation (OAR 6101-A), U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460; (202) 564-7416.

**SUPPLEMENTARY INFORMATION:** On September 8, 1999, EPA published two notices in the **Federal Register** requesting comment on proposed source-specific federal implementation plans (FIPs) under the Clean Air Act (CAA or the Act) for the Four Corners Power Plant (FCPP) and the Navajo Generating Station (NGS). See 64 FR 48731 (September 8, 1999); 64 FR 48725 (September 8, 1999). As detailed more fully in those notices, EPA intends the proposed FIPs, if adopted, to federalize provisions from the New Mexico and Arizona State Implementation Plans with which FCPP and NGS, respectively, had previously been complying. By letter dated November 8,

1999, Arizona Public Service Company (APS) submitted comments on the proposed FIP for FCPP and, among other things, raised questions about certain statements contained in the proposed FIP relating to the Navajo Nation's authority to regulate emissions from FCPP under the CAA. Similar statements relating to the Navajo Nation's CAA authority to regulate emissions from NGS are contained in the proposed FIP for that facility. EPA is hereby correcting and clarifying these statements. EPA had intended to correct and clarify these statements in the preambles to the final FIPs, which have not yet been promulgated. However, EPA believes that it is appropriate to correct and clarify these statements at this time because of confusion they may have caused in pending litigation involving EPA's Tribal Authority Rule (TAR), 63 FR 7254 (Feb. 12, 1998), under the Clean Air Act.

EPA stated in the preamble to the proposed FIP for FCPP that "[u]pon review of the circumstances surrounding the location and operation of FCPP on the Navajo Indian Reservation, EPA concluded that jurisdiction under the Act over this facility lies with EPA and the Navajo Nation." 64 FR at 48732. Similarly, in the preamble to the proposed FIP for NGS, EPA stated that "[u]pon review of the circumstances surrounding the location and operation of NGS on the Navajo Indian Reservation, EPA concluded that jurisdiction under the Act over this facility lies with EPA and the Navajo Nation." 64 FR at 48726. These and several other statements in the preambles to the proposed FIPs mistakenly suggested that EPA had determined the question of whether the Navajo Nation may regulate FCPP and NGS under the CAA. However, as EPA will reiterate in the preambles to the final FIPs for both facilities, the proposed FIPs were based on federal authority only. In order to exercise such federal authority over FCPP and NGS, EPA did not need to, nor did it, decide whether the Navajo Nation may regulate those facilities under the CAA.

EPA is aware of covenants, contained in leases between FCPP and the Navajo Nation and between NGS and the Navajo Nation, relating to the Nation's authority to regulate these facilities. APS and NGS contend that these covenants prevent the Navajo Nation from regulating either of the facilities under the CAA. While in the preamble to the final TAR EPA expressed its view that Congress has delegated authority to eligible tribes to implement CAA programs over all air resources within the exterior boundaries of their

reservations, EPA also noted that the Agency: will consider on a case-by-case basis whether special circumstances exist that would prevent a tribe from implementing a CAA program over its reservation. \* \* \* If EPA determines that there are special circumstances that would preclude the Agency from approving a tribal program over a reservation area, the Regional Administrator would limit the tribal approval accordingly under [the TAR]. 63 FR at 7256.

In issuing the proposed FIPs, EPA did not determine whether the Navajo Nation may regulate FCPP or NGS in light of the covenants. EPA is not required to, and does not intend to, decide that issue in the context of taking final action on the proposed FIPs. Moreover, to date, the Navajo Nation has not applied to be treated in the same manner as a state (TAS) for purposes of regulating FCPP or NGS under the CAA. If the Navajo Nation applies to run a CAA regulatory program covering FCPP or NGS, EPA would evaluate at that time the effect, if any, of the covenants on the Nation's authority to regulate those facilities under the CAA. Before any such determinations would be made, FCPP, NGS and the public would have the opportunity, both at the time of the TAS eligibility application, as well as at the time the Navajo Nation applies for CAA program approval, to express their views to EPA.

Dated: January 20, 2000.

**Carol M. Browner,**

*Administrator.*

[FR Doc. 00-1838 Filed 1-25-00; 8:45 am]

**BILLING CODE 6560-50-U**

## **ENVIRONMENTAL PROTECTION AGENCY**

**[FRL-6529-6]**

### **Access to Confidential Business Information by Hazmed**

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

**ACTION:** Notice of Access to Data and Request for Comments.

**SUMMARY:** EPA will authorize its contractor, HAZMED to access confidential business information (CBI) which has been submitted to EPA under the authority of all sections of the Resource Conservation and Recovery Act (RCRA) of 1976, as amended. EPA has issued regulations (40 CFR Part 2, Subpart B) that outline business confidentiality provisions for the Agency and require all EPA Offices that receive information designated by the

submitter as CBI to abide by these provisions. HAZMED will provide support to the Office of Solid Waste (OSW) in operating the RCRA CBI Center (CBIC), a secure storage areas that contains all records/documents that are received by OSW with a claim of business confidentiality.

**DATES:** Access to confidential data submitted to EPA will occur no sooner than February 7, 2000.

**ADDRESSES:** Comments should be sent to Regina Magbie, Document Control Officer, Office of Solid Waste (5305W), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460. Comments should be identified as "Access to Confidential Data."

**FOR FURTHER INFORMATION CONTACT:** Regina Magbie, Document Control Officer, Office of Solid Waste (5305W), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460, 703-308-7909.

### **SUPPLEMENTARY INFORMATION:**

#### **1. Access to Confidential Business Information**

Under EPA Contract No. OW-0502-NAWW, HAZMED will assist the Information Management Branch, within the Communications, Information, and Resources Management Division, of the Office of Solid Waste (OSW) in operating the RCRA Confidential Business Information Center (CBIC). OSW collects data from industry to support the RCRA hazardous waste regulatory program. Some of the data collected from industry are claimed by industry to contain trade secrets or CBI. In accordance with the provisions of 40 CFR Part 2, Subpart B, OSW has established policies and procedures for handling information collected from industry, under the authority of RCRA, including RCRA Confidential Business Information Security Manuals. HAZMED shall protect from unauthorized disclosure all information designated as confidential and shall abide by all RCRA CBI requirements, including procedures outlined in the RCRA CBI Security Manual. HAZMED will also provide data base management support to the RCRA CBIC document tracking system.

The U.S. Environmental Protection Agency has issued regulations (40 CFR Part 2, Subpart B) that outlines business confidentiality provisions for the Agency and require all EPA Offices that receive information designated by the submitter as CBI to abide by these provisions. HAZMED will be authorized to have access to RCRA CBI under the