

23/2007: Correction to Extending Comment Period from 05/19/2007 to 05/09/2007.

EIS No. 20070097, Draft EIS, NOA, 00, *Programmatic—Marine Mammal Health and Stranding Response Program (MMHSRP), Day-to-Day Operation on Stranding, Response, Rehabilitation, Release, and Disentanglement Activities*, Comment Period Ends: 05/30/2007, Contact: David Cottingham 301-713-2322. Revision of FR Notice Published 3/16/2007: Extending Comment Period from 04/30/2007 to 05/30/2007.

EIS No. 20070146, Final EIS, COE, CA, *Adoption—Folsom Dam Safety and Flood Damage Reduction Project, Addressing Hydrologic, Seismic, Static, and Flood Management Issues, Sacramento, El Dorado and Placer Counties, CA*, Wait Period Ends: 05/21/2007, Contact: Jane Rinck 916-557-6715. Revision of FR Notice Published 04/20/2007: Correction to Wait Period from 05/21/2007 to No Wait Period.

EIS No. 20070155, Draft EIS, COE, GA, *Fort Benning U.S. Army Infantry Center, Base Realignment and Closure (BRAC) 2005 and Transformation Actions, Implementation, Chattahoochee and Muscogee Counties, GA*, Comment Period Ends: 06/04/2007, Contact: John Brent 706-545-2180. Revision of FR Notice Published on 04/20/07: Correction to EIS Title.

Dated: April 24, 2007.

Robert W. Hargrove,
Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E7-8106 Filed 4-26-07; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OECA-2007-0157; FRL-8306-8]

Inquiry To Learn Whether Businesses Assert Business Confidentiality Claims

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for comment.

SUMMARY: The Environmental Protection Agency receives from time to time Freedom of Information Act (FOIA) requests for documents contained in the EPA Waste International Tracking System (“WITSnet”) pertaining to the export and import of Resource Conservation and Recovery Act (RCRA) hazardous waste from/to the United States, the export of Cathode Ray Tubes

(CRTs) from the United States, and the export and import of RCRA universal waste from/to the United States. These documents may identify or reference multiple parties, and describe transactions involving the movement of specified materials in which they propose to participate or have participated. The purpose of this notice is to contact affected businesses about the documents sought by these types of FOIA requests in order to provide the businesses with the opportunity to assert claims that any of the information sought that pertains to them is entitled to treatment as confidential business information (CBI), and to send comments to EPA supporting their claims for such treatment. Certain businesses, however, do not meet the definition of “affected business,” and are not covered by today’s notice. They consist of any business regulated by RCRA that actually submitted to EPA any document at issue pursuant to applicable regulatory requirements and did not assert a CBI claim as to information that pertains to that business in the document at the time of its submission; they have waived their right to do so at a later time. Nevertheless, other businesses identified or referenced in the documents that were submitted to EPA by the submitting business have not waived their own right to assert a CBI claim concerning information that pertains to them and may do so in response to this notice.

DATES: Comments must be received on or before May 29, 2007. The period for submission of comments may be extended if, before the comments are due, you make a request for an extension of the comment period and it is approved by the EPA legal office. Except in extraordinary circumstances, the EPA legal office will not approve such an extension without the consent of any person whose request for release of the information under the FOIA is pending.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OECA-2007-0157, by one of the following methods:

- *www.regulations.gov*: Follow the on-line instructions for submitting comments.
- *E-mail*: kreisler.eva@epa.gov.
- *Address*: Eva Kreisler, International Compliance Assurance Division, Office of Federal Activities, Office of Enforcement and Compliance Assurance, Environmental Protection Agency, Mailcode: 2254A, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

Instructions: Direct your comments to Docket ID No. EPA-HQ-OECA-2007-0157. EPA’s policy is that all comments received will be included in the public docket without change and may be made available online at www.regulations.gov, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through www.regulations.gov or e-mail. The www.regulations.gov Web site is an “anonymous access” system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through www.regulations.gov your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment. Please include your name and other contact information with any disk or CD-ROM you submit by mail. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA’s public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

Docket: All documents in the docket are listed in the www.regulations.gov index.

Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in www.regulations.gov or in hard copy at the HQ EPA Docket Center, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The 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 Public Reading Room is (202) 566-1744, and the telephone number for the docket for the Inquiry to Learn Whether Businesses Assert Business

Confidentiality Claims Regarding the Following Information: (1) Export of Hazardous Waste Documentation; (2) Import of Hazardous Waste Documentation; (3) Notifications of Intent to Export Cathode Ray Tubes; Notice of Opportunity to Comment is (202) 566-1752.

FOR FURTHER INFORMATION CONTACT: Eva Kreisler, International Compliance Assurance Division, Office of Federal Activities, Office of Enforcement and Compliance Assurance, Environmental Protection Agency, Mailcode: 2254A, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 564-8186; e-mail address: kreisler.eva@epa.gov.

SUPPLEMENTARY INFORMATION: Regarding the Following Information: (1) Documents Related to the Export of Resource Conservation and Recovery Act (RCRA) Hazardous Waste Under 40 CFR part 262, Subparts E and H; (2) Documents Related to the Import of RCRA Hazardous Waste Under 40 CFR part 262, Subpart F; (3) Documents Related to the Export of Cathode Ray Tubes Under 40 CFR part 261, Subpart E; and (4) Documents Related to the Export and Import of RCRA Universal Waste Under 40 CFR part 273, Subparts B, C, D, and F.

I. General Information

EPA has previously published a notice in the **Federal Register**, at 67 FR 71962, December 3, 2002, that addresses issues similar to those raised by today's notice. The Agency did not receive any comments on the 2002 notice. Since the publication of the 2002 notice, the Agency has continued to receive FOIA requests for documents contained in the EPA Waste International Tracking System ("WITSnet") database.

II. Issues Covered by This Notice

EPA receives FOIA requests from time to time for documents that may identify or reference multiple parties, and describe transactions involving the movement of specified materials in which they propose to participate or have participated. This notice informs "affected businesses,"¹ which could include, among others, specific "transporters"² and consignees,³ of the requests for information contained in one or more of the following documents: (1) Documents related to the export of Resource Conservation and

Recovery Act (RCRA) hazardous waste under 40 CFR part 262, subparts E and H, including but not limited to the "notification of intent to export", "manifest,"⁴ "annual report," "acknowledgements of consent," "exception reports," "transit notifications," and "renotification;" (2) documents related to the import of hazardous waste under 40 CFR part 262, subpart F, including but not limited to notifications of intent to import hazardous waste into the U.S. from foreign countries; (3) documents related to the export of Cathode Ray Tubes (CRTs) under 40 CFR part 261, subpart E, including but not limited to notifications of intent to export CRTs; and (4) documents related to the export and import of RCRA universal waste under 40 CFR part 273, subparts B, C, D, and F.

Certain businesses, however, do not meet the definition of "affected business," and are not covered by today's notice. They consist of any business that actually submitted any of the documents sought in the FOIA requests that EPA has received, and did not assert a claim of business confidentiality covering any of that information at the time of submission. As set forth in the RCRA regulations at 40 CFR 260.2(b), "if no such [business confidentiality] claim accompanies the information when it is received by EPA, it may be made available to the public without further notice to the person submitting it." Thus, for purposes of this notice and as a general matter under 40 CFR 260.2(b), a business that submitted to EPA the documents at issue, pursuant to applicable regulatory requirements, and that failed to assert a claim as to information that pertains to it at the time of submission, cannot later make a confidentiality claim. Nevertheless, other businesses identified or referenced in the same documents that were submitted to EPA by the submitting business have not waived their own right to assert a CBI claim concerning information that pertains to them and may do so in response to this notice.

In accordance with 40 CFR 2.204(c) and (e), this notice inquires whether any affected business asserts a claim that any of the requested information constitutes CBI, and affords such business an opportunity to comment to EPA on the issue. This notice also informs affected businesses that, if a claim is made, EPA would determine under 40 CFR part 2, subpart B, whether

any of the requested information is entitled to confidential treatment.

1. Affected Businesses

EPA's FOIA regulations at 40 CFR 2.204(c)(1) require an EPA office that is responsible for responding to a FOIA request for the release of business information ("EPA office") "to determine which businesses, if any, are affected businesses * * *." "Affected business" is defined at 40 CFR 2.201(d) as, " * * * with reference to an item of business information, a business which has asserted (and not waived or withdrawn) a business confidentiality claim covering the information, or a business which could be expected to make such a claim if it were aware that disclosure of the information to the public was proposed."

2. The Purposes of This Notice

This notice encompasses two distinct steps in the process of communication with affected businesses prior to EPA's making a final determination concerning the confidentiality of the information at issue: the preliminary inquiry and the notice of opportunity to comment.

a. Inquiry To Learn Whether Affected Businesses (Other Than Those Businesses That Previously Asserted a CBI Claim) Assert Claims Covering Any of the Requested Information

Section 2.204(c)(2)(i) provides, in relevant part:

If the examination conducted under paragraph (c)(1) of this section discloses the existence of any business which, although it has not asserted a claim, might be expected to assert a claim if it knew EPA proposed to disclose the information, the EPA office shall contact a responsible official of each such business to learn whether the business asserts a claim covering the information.

b. Notice of Opportunity To Submit Comments

Sections 2.204(d)(1)(i) and 2.204(e)(1) require that written notice be provided to businesses that have made claims of business confidentiality for any of the information at issue, stating that EPA is determining under 40 CFR part 2, subpart B, whether the information is entitled to confidential treatment, and affording the businesses an opportunity to comment as to the reasons why they believe that the information deserves confidential treatment.

3. The Use of Publication in the **Federal Register**

Section 2.204(e)(1) requires that this type of notice be furnished by certified

¹ The term "affected business" is defined at 40 CFR 2.201(d), and is set forth in this notice, below.

² The term "transporter" is defined at 40 CFR 260.10.

³ The term consignee is defined, for different purposes, at 40 CFR 262.51 and 262.81(c).

⁴ The term "manifest" is defined at 40 CFR 260.10.

mail (return receipt requested), by personal delivery, or by other means which allows verification of the fact and date of receipt. EPA, however, has determined that in the present circumstances the use of a **Federal Register** notice is the only practical and efficient way to contact affected businesses and to furnish the notice of opportunity to submit comments. The Agency's determination to follow this course was made in recognition of the large number of businesses included in the pertinent universe. Publication in the **Federal Register** also dispenses with the requirement of orally informing a responsible representative of the business that it should expect to receive a written notice, and requesting the business to contact the EPA office if the written notice has not been received within a few days, so that EPA may furnish a duplicate notice. *40 CFR 2.204(e)(3)*.

4. Submission of Your Response in the English Language

All responses to this notice must be in the English language.

5. The Effect of Failure To Respond to This Notice

In accordance with *40 CFR 2.204(e)(1)* and *2.205(d)(1)*, EPA will construe your failure to furnish timely comments in response to this notice as a waiver of your business's claim(s) of confidentiality for any information in the documents identified in this notice.

6. What To Include in Your Comments

If you believe that some or all of the information contained in the types of documents which are described in this notice and which are currently, or may become, subject to FOIA requests, is entitled to confidential treatment, please specify which portions of the information you consider confidential. Information not specifically identified as subject to a confidentiality claim will be disclosed to the requestor without further notice to you.

For each item or class of information that you identify as being subject to your claim, please answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, *e.g.*, until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.

2. Information submitted to EPA becomes stale over time. Why should the information you claim as

confidential be protected for the time period specified in your answer to question no. 1?

3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?

4. Is the information contained in any publicly available material such as the Internet, publicly available data bases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?

5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.

6. For each category of information claimed as confidential, *explain with specificity* why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If the business asserts that the information is voluntarily submitted information, whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.

8. Any other issue you deem relevant.

Please note that *you bear the burden of substantiating your confidentiality claim*. Conclusory allegations will be given little or no weight in the determination. If you wish to claim any of the information in your response as confidential, you must mark the response "CONFIDENTIAL" or with a similar designation, and must bracket all text so claimed. Information so designated will be disclosed by EPA only to the extent allowed by, and by means of, the procedures set forth in, *40 CFR part 2, subpart B*. If you fail to claim the information as confidential upon submission, it may be made available to the public without further notice to you.

III. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI*. Do not submit this information to EPA through *www.regulations.gov* or e-mail. Please submit this information by mail to the address identified in the **ADDRESSES** section of today's notice. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in *40 CFR part 2, subpart B*. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket.

2. *Tips for Preparing Your Comments*. When submitting comments, remember to:

- Identify the notice by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified.

Dated: April 20, 2007,

Anne Norton Miller,

Director, Office of Federal Activities.

[FR Doc. E7-8120 Filed 4-26-07; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-8306-9]

Federal Advisory Committee on Detection and Quantitation Approaches and Uses in Clean Water Act Programs

AGENCY: Environmental Protection Agency.

ACTION: Notice; FACA committee meeting announcement.