

will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. 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.

*i. EPA Dockets.* Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at <http://www.epa.gov/edocket>, and follow the online instructions for submitting comments. To access EPA's electronic public docket from the EPA Internet Home Page, select "Information Sources," "Dockets," and "EPA Dockets." Once in the system, select "search," and then key in Docket ID No. SFUND-1988-0002. The system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

*ii. E-mail.* Comments may be sent by electronic mail (e-mail) to [SUPERFUND.docket@epa.gov](mailto:SUPERFUND.docket@epa.gov), Attention Docket ID No. SFUND-1988-0002. In contrast to EPA's electronic public docket, EPA's e-mail system is not an "anonymous access" system. If you send an e-mail comment directly to the Docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

*iii. Disk or CD ROM.* You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Unit I.C.2. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

*2. By Mail.* Send two copies of your comments to: U.S. Environmental Protection Agency, EPA Docket Center (EPA/DC), Superfund Docket, Mailcode 5305T, 1200 Pennsylvania Avenue, NW, Washington, D.C., 20460, Attention Docket ID No. SFUND-1988-0002.

*3. By Hand Delivery or Courier.* Deliver your comments to: Superfund Docket, EPA Docket Center, 1301 Constitution Avenue, NW., EPA West Building, Room B-102, Washington, DC 20004, Attention Docket ID No. SFUND-1988-0002. Such deliveries are

only accepted during the Docket's normal hours of operation as identified in Unit I.B.

*4. By Facsimile.* Fax your comments to: (202) 566-0224, Attention Docket ID No. SFUND-1988-0002.

## II. What Is the Authority for This Action?

These regulations are issued under sections 322, 323, and 328 of the Emergency Planning and Community Right-to-Know Act of 1986.

## III. What Is the General Background for This Action?

The Emergency Planning and Community Right-to-Know Act contains provisions requiring facilities to report to State and local authorities, and EPA, the presence, use and releases of extremely hazardous substances (described in sections 302 and 304), and hazardous and toxic chemicals (described in sections 311, 312, and 313 respectively). The regulations are codified in 40 CFR parts 355, 370 and 372. A submitter may claim the chemical identity as trade secret in the reports submitted under sections 303, 311, 312 and 313. On July 29, 1988 (53 FR 28772), EPA published the procedures for making trade secret claims. These procedures are codified in 40 CFR part 350. The regulations also include procedures for filing petitions requesting disclosure of specific chemical identities submitted and claimed as trade secrets by facilities. EPA also published the form and instructions for substantiating a trade secrecy claim in the 1988 final rule. The address for mailing the claims and petitions requesting disclosure noted in 40 CFR 350.16 and 350.27 (instructions to the substantiation form) is outdated due to the change in contractor handling trade secret claims for EPA. The correct address to mail these claims and petitions was announced in two recent **Federal Register** documents, October 25, 2002 (67 FR 65566) and February 6, 2003 (68 FR 6149). It is possible that the address may change from time to time because the contractor managing this information for EPA may change. Therefore, EPA is amending 40 CFR 350.16 and 350.27 (instructions to the substantiation form) by giving a reference to obtain the correct address instead of publishing the address in the regulations.

Section 350.17(a) contains procedures for filing an appeal to an EPA determination of insufficiency with the EPA General Counsel. The address to mail these appeals, which is noted in this section, is also outdated, since EPA

has moved to a new location. This amendment reflects that change.

All forms used to collect information must be approved and renewed every three years by the Office of Management and Budget (OMB) under the Paperwork Reduction Act. Each approved and renewed substantiation form contains an OMB approval expiration date. The form also contains a Paperwork Reduction Act Notice, which provides a paperwork burden estimate for completing this form and an address for submitting comments on this burden estimate or any other aspect associated with the collection of this information. The OMB approval expiration date, the burden estimate and the address to submit comments that are on the substantiation form currently published in EPA's regulation at 40 CFR 350.27 are outdated. Since the OMB approval expiration date will change every three years, and the burden estimate and the address for submitting comments may change from time to time, EPA is revising 40 CFR 350.27 to remove the outdated substantiation form and provide references for obtaining the most current substantiation form.

EPA is publishing this rule without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comment. This action only corrects addresses for submitting trade secrecy claims and petitions for disclosures, and for appealing determinations of insufficient trade secrecy claims. These corrections are due to the change of address and location of contractor handling trade secrecy claims as well as EPA location. The only other change is to remove an outdated trade secret substantiation form. This action does not change any regulatory burden on any of the facilities subject to the regulations in 40 CFR part 350. However, in the "Proposed Rules" section of today's **Federal Register** publication, we are publishing a separate document that will serve as the proposal to amend the trade secret regulations to remove the incorrect addresses and outdated substantiation form. This rule will be effective on January 13, 2004 without further notice unless we receive adverse comment by December 15, 2003. If EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.