

*G. Executive Order 13045: Protection of Children From Environmental Health & Safety Risks*

“Protection of Children from Environmental Health Risks and Safety Risks” (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be “economically significant” as defined under 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This action is not subject to Executive Order 13045 because it is not an economically significant regulatory action as defined by Executive Order 12866 and (b) this action does not involve any environmental health or safety risks, therefore does not have a disproportionate effect on children.

In today’s action, the Agency is only amending certain parts of the regulations in 40 CFR part 350 to remove an outdated substantiation form and correct the addresses to where the trade secrecy claims, petitions for disclosure, and appeals to determinations of insufficient trade secrecy claims can be mailed.

*H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use*

This rule is not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355 (May 22, 2001)) because it is not a significant regulatory action under Executive Order 12866.

*I. National Technology Transfer and Advancement Act*

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (“NTTAA”), Pub. L. 104–113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides

not to use available and applicable voluntary consensus standards.

This rulemaking does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

*J. Congressional Review Act*

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2). This rule will be effective December 15, 2003 unless EPA receives adverse comments by December 15, 2003. If we receive such comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect.

**List of Subjects in 40 CFR Part 350**

Environmental protection, Chemicals, Confidential business information, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: November 3, 2003.

**Marianne L. Horinko,**  
*Acting Administrator.*

■ For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

**PART 350—TRADE SECRECY CLAIMS FOR EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW INFORMATION: AND TRADE SECRET DISCLOSURES TO HEALTH PROFESSIONALS**

■ 1. The authority citation for part 350 continues to read as follows:

**Authority:** 42 U.S.C. 11042, 11043, and 11048 Pub. L. 99–499, 100 Stat. 1747.

■ 2. Section 350.16 is revised to read as follows:

**§ 350.16 Address to send trade secrecy claims and petitions requesting disclosure.**

The address and location to send all claims of trade secrecy under sections 303(d)(2) and (d)(3), 311, 312, and 313 of Title III and all public petitions

requesting disclosure of chemical identities claimed as trade secret are posted on the following EPA Program Web sites, <http://www.epa.gov/ceppo> and <http://www.epa.gov/tri>. Any subsequent changes to the address and location will be announced in **Federal Register** Notices as these changes occur. Also, the changes will be posted on these Web sites. Submitters may also contact the Emergency Planning and Community Right-to-Know Hotline at (800) 424–9346 or (703) 412–9810, TDD (800) 553–7672, <http://www.epa.gov/epaoswer/hotline/> to obtain this information.

■ 3. Section 350.17 is amended by revising paragraph (a) introductory text to read as follows:

**§ 350.17 Appeals.**

(a) *Procedure for filing appeal.* A submitter may appeal an EPA determination under § 350.11(a)(2)(i) or (b)(2)(i), by filing an appeal with the General Counsel. The appeal shall be addressed to: The Office of General Counsel, U.S. Environmental Protection Agency, Mailcode 2310A, 1200 Pennsylvania Avenue, NW., Washington DC 20460.

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■ 4. Section 350.27 is amended by revising paragraph (a) and in paragraph (b) under the heading “Where to Send the Trade Secrecy Claim” to read as follows:

**§ 350.27 Substantiation form to accompany claims of trade secrecy, instructions to substantiation form.**

(a) The substantiation form to accompany claims of trade secrecy must be completed and submitted as required in § 350.7(a). The form is posted on the Chemical Emergency Preparedness and Prevention Office Web site, <http://www.epa.gov/ceppo> and the Toxics Release Inventory Program Division Web site, <http://www.epa.gov/tri>. Submitters may also contact the National Service Center for Environmental Publications (NSCEP) at (800) 490–9198 or (513) 489–8190 to obtain the form.

(b) \* \* \*

**Where To Send the Trade Secrecy Claim**

The address to send all trade secrecy claims is posted on the following EPA Program Web sites, <http://www.epa.gov/ceppo> and <http://www.epa.gov/tri>. This information can also be obtained by contacting the Emergency Planning and Community Right-to-Know Hotline at (800) 424–9346 or (703) 412–9810, TDD