

Justifications why the two suggested changes listed below would not significantly increase the burden of the Information Collection Request, OMB Control No. 2020-003, current expiration date 02/28/2010: AConfidentiality Rules (Renewal);@ Additions to Sample Letters A and B

(1) Adding statements, as shown in the amended sample letters, to the first two paragraphs of the sample letters where EPA has determined that the business might be expected to assert a claim that some or all of the information it submitted to EPA is confidential business information (ACBI@).

Justification: Under some circumstances, EPA may identify potential CBI that was submitted by an affected business, but was not designated as confidential. In those circumstances, the letter will be slightly modified to instruct the affected businesses that they may claim information that they have submitted to EPA as CBI. This makes businesses aware that they have this right, which they otherwise would not know about.

(2) Adding a parenthetical phrase to question number 8 in the sample letters to address situations where an EPA statute excludes certain types of information from being CBI. This is the case with: (i) sections 114(c) and 208(c) of the Clean Air Act, 42 U.S.C. ' 7414(c) and 7542(c), which exclude Aemission data;@ and (ii) section 308(b) of the Clean Water Act, 33 U.S.C. ' 1318(b), which excludes Aeffluent data.@

Justification: Question number 8 of the sample letters currently reads AAny other issue you deem relevant.@ EPA would add A(including, if pertinent, reasons why you believe that the information you claim to be CBI is not emission data or effluent data).@ The businesses that submit information to EPA are generally sophisticated and informed. They would be familiar with the basic nature of their production processes and pertinent EPA statutory provisions. This would include knowing whether certain types of data relating to their processes are emission data or effluent data. Thus, supplementing question number 8 in the manner discussed would be expected to create only an insignificant increase in the burden level.