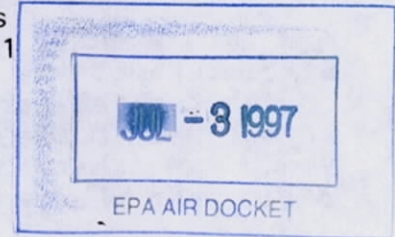




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

22 JUL 1992



Mr. Dave Hemmelgarn
Worthington Steel Company
100 Worthington Drive
Porter, Indiana 46304

Dear Mr. Hemmelgarn:

Thank you for your efforts in coordinating a visit to the Worthington Steel Company facility in Porter, Indiana, on March 26, 1992. We appreciate the time that you spent with us to discuss the HCl pickling process and to inspect your facility.

Enclosed is a draft of the trip report that has been prepared based on the information obtained during our site visit. We would appreciate your reviewing the report for any errors or omissions. You may return the enclosed copy of the report with your written comments. Since this report will eventually become a part of the public record, we want to portray your operations as accurately as possible.

If you believe that disclosure of any specific information contained in the trip report would reveal trade secrets or other confidential information, you should clearly identify the specific information. Please do not label the entire report "confidential" if only certain portions consist of trade secret information. If the EPA determines that there is a need to disclose such information, we will need, at that time, the following to support your claim:

1. Measures taken by Worthington Steel Company to guard against undesired disclosure of the specific information to others;
2. The extent to which the specific information has been disclosed to others and the precautions taken in connection therewith;
3. Pertinent confidentiality determinations, if any, by other Federal agencies (furnish a copy of any such determination or reference to it, if available); and

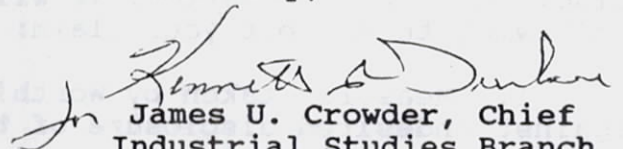
4. Whether Worthington Steel Company asserts that disclosure of the specific information would be likely to result in substantial harmful effects on its competitive position, and, if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

Any specific information subsequently determined to constitute a trade secret will be protected under 18 U.S.C. 1905. If no claim of confidentiality accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice (40 CFR Part 2.203, September 1, 1976). All emission data, however, will be available to the public. A clarification of what EPA considers to be emission data is contained in Enclosure 2.

We respectfully request that you submit your review comments on the trip report by August 12, 1992. If you concur with the information contained in the report and if no confidential information is contained in the report, we would appreciate a letter to that effect. If we do not hear from you by August 12, 1992, EPA will consider the report nonconfidential, complete, correct, and final.

Thank you for your cooperation. The information supplied by Worthington Steel Company will be most helpful in our study. If you have any questions, please call Mr. James Maysilles of EPA at (919) 541-3265.

Sincerely,


James U. Crowder, Chief
Industrial Studies Branch
Emission Standards Division

2 Enclosures

Dated: February 14, 1991.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 91-4113 Filed 2-20-91; 8:45 am]

BILLING CODE 5650-50-01

[AD-FRL-3906-3]

Disclosure of Emission Data Claimed as Confidential Under Sections 110 and 114(c) of the Clean Air Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of policy on public release of certain emission data submitted under sections 110 and 114(c) of the Clean Air Act (CAA).

SUMMARY: Section 114(c) of the CAA excludes emission data from the general definition of trade secret information. Certain classes of data submitted to the EPA under sections 110 and 114(a) of the CAA are emission data, and, as such, cannot be withheld from disclosure as confidential pursuant to section 1905 of title 18 of the United States Code. This notice clarifies EPA's current policy, and solicits comment regarding that policy and categories of data which it considers excluded from a trade secret definition.

DATES: Written comments pertaining to this notice are requested by April 22, 1991.

ADDRESSES: Submit comments to: Nancy D. Riley, U.S. Environmental Protection Agency, Emission Standards Division, Pollutant Assessment Branch (MD-13), Research Triangle Park, NC 27711.

FOR FURTHER INFORMATION CONTACT: Timothy Mohin (telephone: (919) 541-5349 commercial/FTS 629-5349) or Karen Blanchard (telephone: (919) 541-5503 commercial/FTS 629-5503), Pollutant Assessment Branch (MD-13), Emission Standards Division; or Thomas Rosendahl (telephone: (919) 541-5404 commercial/FTS 629-5404), National Air Data Branch (MD-14), Technical Support Division; U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION: The EPA routinely uses the authority of sections 110 and 114(a) of the CAA to gather technical information from industries involved in operations that lead to emission of pollutants to the ambient air. This information has been used, among other things, to better characterize emitting facilities and to evaluate the need for and impacts of potential regulation.

Information requests under sections 110 and 114(a) of the CAA typically include questions on uncontrolled and

controlled emission rates and emission parameters of the pollutant or group of pollutants of concern. The respondents sometimes claim that its response constitutes trade secret information, and thus, should be treated as confidential. Claims of confidentiality may be made under section 114(c) of the CAA, which states: "... upon a showing satisfactory to the Administrator by any person that records, reports, or information, or a particular part thereof, (other than emission data) to which the Administrator has access under this section if made public, would divulge methods or processes entitled to protection as trade secrets of such person, the Administrator shall consider such * * * confidential in accordance with the purposes of section 1905 of title 18 of the United States Code * * *." If the Administrator so determines, the information is not disclosable to the public.

However, section 114(c) of the CAA provides that information claimed to be a trade secret but which constitutes emission data may not be withheld as confidential. Although typically the EPA evaluates whether information constitutes emission data on a case-by-case basis, it believes that some kinds of data will always constitute emission data within the meaning of section 114(c). The purpose of this notice is to describe, without attempting to be comprehensive, that information which the EPA generally considers to be emission data, and which cannot qualify as confidential under either section 114(c) or section 110 (as set forth in 40 CFR 51.321, 51.322 and 51.323) of the CAA. The EPA is issuing this notice to clarify its policy and procedures, to facilitate the use of these data in automated data systems and computer-based simulation models, and to expedite processing of claims for confidentiality or requests for disclosure.

The EPA presently determines that data submitted to it as emission data does not qualify as confidential if it meets the following definition under 40 CFR 2.301(a)(2)(i):

a. Definitions. For the purpose of this section: (1) *Act* means the Clean Air Act, as amended, 42 U.S.C. 7401 et seq. (2)(i) *Emission data* means, with reference to any source of emission of any substance into the air—

(A) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by

the source), or any combination of the foregoing;

(B) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emission which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner or rate of operation of the source), or any combination of the foregoing;

(C) A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

The table below lists the specific data fields which the EPA presently considers to constitute emission data and provides a brief description of what each data field describes. The descriptions are intended to provide general information. This list is not exhaustive and, therefore, other data might be found, in a proper case, to constitute emission data.

Emission Data Fields

Facility Identification: The following data fields are needed to establish the identity and location of emission sources, this shall also include a description or an identifier of the device, installation, or operation constituting the source. These data are used to locate sources for dispersion evaluation and exposure modeling.

Plant Name and related point identifiers
Address
City
County
AQCR (Air Quality Control Region)
MSA, PMSA, CMSA (Metropolitan Statistical Areas)
State
Zip Code

Ownership and point of contact information
Locational Identifiers:

Latitude & Longitude, or UTM Grid
Coordinates
SIC (Standard Industrial Classification)
Emission point, device or operation description, information
SOC (Source Classification Codes)

Emissions Parameters: The following data fields are needed to establish the characteristics of the emissions. This information is needed for the analyses of dispersion and potential control equipment.

Emission type
(e.g., nature of emissions such as CO₂, particulate or a specific toxic compound, and origin of emissions such as process vents, storage tanks or equipment leaks)
Emission rate