

intergovernmental mandate is a mandate that: (1) Would impose an enforceable duty upon State, local, or tribal governments (except as a condition of Federal assistance); and (2) may result in the expenditure by State, local, and tribal governments, in the aggregate, of \$100 million (adjusted annually for inflation) in any one year. DOE officials may apply this Statement of Policy selectively if there is an exigent need for immediate agency action that would warrant waiver of prior notice and opportunity for public comment under the Administrative Procedure Act, 5 U.S.C. 553.

III. Intergovernmental Consultation

When to begin. As early as possible in the development of a notice of proposed rulemaking (for other than a financial assistance program) that involves an enforceable duty on State, local, or tribal governments, the responsible Secretarial Officer, with the concurrence of the General Counsel, should estimate whether the aggregate compliance expenditures will be in the amount of \$100 million or more in any one year. In making such an estimate, the Secretarial Officer should adjust the \$100 million figure in years after 1995 using the rate of inflation in the Annual Report of the President's Council of Economic Advisers and should discount estimated future expenditures to present value using the discount rate under OMB Circular A-94.

Content of notice. Upon determining that a proposed regulatory mandate on State, local, or tribal governments may be a significant intergovernmental mandate, the Secretarial Officer responsible for the rulemaking should provide adequate notice to pertinent State, local and tribal officials: (1) Describing the nature and authority for the rulemaking; (2) explaining DOE's estimate of the resulting increase in their governmental expenditure level; (3) inviting them to participate in the development of the notice of proposed rulemaking by participating in meetings with DOE or by presenting their views in writing on the likely effects of the regulatory requirement or legally available policy alternatives that DOE should take into account. If the authorizing statute for a rule requires publication of an advance notice of proposed rulemaking, then these content requirements may be addressed in that advance notice.

How to notify State and tribal officials. With respect to State and tribal governments, actual notice should be given by letter, using a mailing list maintained by the DOE Office of Intergovernmental and External Affairs

that includes elected chief executives (or their designees), chief financial officers (or their designees), the National Governors Association, and the National Congress of American Indians. The Secretarial Officer also should provide constructive notice in the Federal Register.

How to notify local officials. With respect to local governments, the Secretarial Officer should provide notice through the Federal Register and by letter to the following associations: the National League of Cities, the National Association of Counties, and the U.S. Conference of Mayors. If a significant intergovernmental mandate might affect local governments in a limited area of the United States, then the Secretarial Officer, in consultation with the Office of Intergovernmental and External Affairs, should give actual notice by letter to appropriate local officials if practicable.

Exemption from the Federal Advisory Committee Act. Secretarial Officers are encouraged to meet with State, local, and tribal elected officials (or their designees) to exchange views, information, and advice concerning the implementation of intergovernmental responsibilities or administration. Meetings for this purpose that do not include other members of the public are exempt from the Federal Advisory Committee Act, 2 U.S.C. 1534(b).

Small government consultation plan. If the proposed regulatory requirements might significantly or uniquely affect small governments, then the Secretarial Officer should summarize in the Supplementary Information section of the notice of proposed rulemaking its plan for intergovernmental consultation under section 203 of the Act. Unless impracticable, the plan should provide for actual notice by letter to potentially affected small governments.

Documenting compliance. The Supplementary Information section of any notice of proposed and final rulemaking involving a significant intergovernmental mandate upon State, local, or Indian tribal governments should describe DOE's determinations and compliance activities under the Act. The Supplementary Information section of the notice of proposed rulemaking should describe the estimated impact of an intergovernmental mandate, the assumptions underlying its calculation, and the resulting determination of whether the rulemaking involves a significant intergovernmental mandate. It should discuss, as appropriate, cost and benefit estimates and any reasonable suggestions received during pre-notice intergovernmental consultations. Any substantive pre-

notice written communications should be described in the Supplementary Information and made available for inspection in the public rulemaking file in the DOE Freedom of Information Reading Room.

Reporting. Pursuant to the OMB guidelines and instructions, the Office of General Counsel, with the cooperation of the Secretarial Officers, will prepare the annual report to OMB on compliance with the intergovernmental consultation requirements of the Act (initially due on January 15, 1996, and annually on January 15 thereafter).

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-5403-9]

Agency Information Collection Activities Under OMB Review: National Water Quality Inventory Reports

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before February 26, 1996.

FOR FURTHER INFORMATION OR A COPY CALL: Sandy Farmer at EPA, (202) 260-2740, and refer to EPA ICR No. 1506.04.

SUPPLEMENTARY INFORMATION:

Title: National Water Quality Inventory Reports (Clean Water Act Sections 305(b), 303(d), 314(a), and 106(e)). (OMB Control No. 2040-0071; EPA ICR No. 1560.04). This is a request for extension of a currently approved collection.

Abstract: Section 305(b) of the Clean Water Act (Pub. L. 92-500, 33 U.S.C. 1251 *et seq.*, most recently amended in 1987 by Pub. L. 100-4), requires each State to prepare and submit a biennial water quality report to the EPA Administrator. Regulations for water quality monitoring, planning, management and reporting are found in 40 CFR part 130. Each 305(b) report includes such information as a

description of the quality of waters of the State; an analysis of the extent to which these waters provide for the protection and propagation of a balanced population of shellfish, fish, and wildlife, and allow recreational activities in and on the water; recommendations for additional action necessary to achieve such uses; an estimate of the environmental impact and economic and social costs as well as the economic and social benefits of such achievement; and a description of the nature and extent of nonpoint sources of pollutants and recommendations as to programs needed to control each category of such sources.

Under the CWA Section 314(a)(2), States must incorporate information regarding Clean Lakes into the 305(b) reports. States are to include the following: an identification and classification according to trophic condition of all publicly owned lakes; a description of the methods to control sources of pollution and restore these lakes; methods to mitigate the harmful effects of high acidity; a list and description of publicly owned lakes for which uses are known to be impaired; and an assessment of the status and trends of water quality in lakes.

Section 303(d)(1) of the CWA requires States to identify and rank water-quality limited waters which will not meet State water quality standards after implementation of required controls, such as, technology-based point source controls.

Reporting under Sections 305(b) and 314 is required of the 50 States. Reporting activities under Section 303(d) may be submitted as part of the 305(b) report or may be submitted under separate cover. Other respondents (Territories, River Basin Commissions, certain Indian Tribes or Tribal Groups) also prepare 305(b) reports to document the quality of their waters to EPA, Congress, and the public and, in some cases, to meet grant conditions.

The 305(b) reporting process is an essential component of the EPA water pollution control program. EPA's Office of Water uses the 305(b) reports as the principal information source for assessing nationwide water quality, progress made in maintaining and restoring water quality, and the extent of remaining water pollution problems. EPA prepares the National Water Quality Inventory Report to Congress and evaluates impacts of EPA's water pollution control programs with the information and data supplied in the State and Tribal 305(b) reports and the corresponding national database, the EPA Waterbody System. The Office of

Water uses the Report to Congress to target persistent and emerging water quality problems with new initiatives and to improve or eliminate ineffective programs.

EPA uses the information submitted under Section 314 to evaluate and to report on trends in the status of lake water quality reports issued by the Section 314 Clean Lakes Program. The Agency also uses this information for a variety of other purposes including to assist in the management of lake projects funded under both the Section 314 and 319 of the Clean Water Act.

Under Section 303(d), EPA must review and approve or disapprove the State lists of water-quality limited waterbodies still requiring total maximum daily loads (TMDLs). Section 303(d) of the CWA establishes the TMDL process to provide for more stringent water-quality based controls when required Federal, State or local controls are inadequate to achieve State water quality standards. TMDLs encourage a holistic view of water quality problems considering all contributions and instream water quality and provide a method to allocate those contributions to meet water quality standards.

The next 305(b) reports and 303(d) lists are due to EPA in April 1996. Prior to each 305(b) reporting deadline, EPA publishes guidelines on the types of information requested of respondents in their 305(b) reports. The current edition is Guidelines for the Preparation of the 1996 State Water Quality Assessments (305(b) Reports), EPA 841-B-95-001, May 1995. (For further information or a copy call: Barry Burgan at EPA, (202) 260-7060).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15. The Federal Register Notice required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on 10/6/95 (60 FR 52392). No comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 3,011 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes

of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: States, Territories, and River Basin Commissions.

Estimated Number of Respondents: 58.

Frequency of Response: Reports every 5 years beginning in 1996; annual electronic updates of water quality assessment data beginning in 1997.

Estimated Total Annual Hour Burden: 174,638 hours.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 1560.04 and OMB Control No. 2040-0071 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, OPPE Regulatory Information Division (2136), 401 M Street, SW., Washington, DC 20460.

and
Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

Dated: January 19, 1996.

Joseph Retzer,

Director, Regulatory Information Division.
[FR Doc. 96-1405 Filed 1-25-96; 8:45 am]

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[FRL-5331-3]

Notice of Transfer and Disclosure of Confidential Business Information Obtained Under the Comprehensive Environmental Response, Compensation, and Liability Act to EPA Contractors and Subcontractors

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice for comment.

SUMMARY: EPA Region IV hereby complies with the requirements of 40 CFR 2.301(h) and 40 CFR 2.310(h) and intends to authorize certain contractors and subcontractors access to Confidential Business Information