

Greenhouse Gas Reporting Program: Proposed Amendments and Confidentiality Determinations for Subpart I

Overview of the Proposed Action

- This action proposes amending the calculation and monitoring methodologies for subpart I, Electronics Manufacturing, of the Greenhouse Gas Reporting Program. Proposed changes include revising certain calculation methods and adding a new method, amending data reporting requirements, and clarifying terms and definitions.
- This action also proposes confidentiality determinations for the reporting of the new and revised data elements under the proposed amendments to subpart I.
- Many of these proposed actions are in response to a petition to reconsider specific aspects of subpart I.
- This notice also proposes amendments to subpart A, General Provisions, to reflect proposed changes to the reporting requirements in subpart I.

Background

- EPA is proposing these amendments to:
 - (1) modify calculation methods and data requirements to better reflect new industry data and current practice;
 - (2) provide additional calculation methods to allow individual facilities to choose the method best suited for their operations;
 - (3) provide flexibility in implementation to balance the burden associated with existing requirements; and
 - (4) address sensitive business information concerns raised by industrial stakeholders.
- Amendments being proposed affect all facilities that manufacture electronics including those that manufacture semiconductors (including light emitting diodes), micro-electro-mechanical systems (MEMS), liquid crystal displays (LCDs), or photovoltaic (PV) cells.
- In this action, we are granting reconsideration on all issues in the Petition for Reconsideration submitted by the Semiconductor Industry Association (SIA) not already addressed in previous final rules. Following consideration of the issues raised in the Petition for Reconsideration and data presented by petitioners, EPA is proposing certain amendments to subpart I, including changes to the methods used in subpart I.

Proposed Confidentiality Determinations

EPA is proposing confidentiality determinations for 10 data categories as follows:

- Data elements in the following data categories are proposed to be categorized as “emission data” and therefore, under CAA section 114, be released to the public:
 - Facility and Unit Identifier Information (e.g., facility name and physical address);
 - Emissions;
 - Calculation Methodology and Methodological Tier; and

- Data elements reported for periods of missing data that are not inputs to emission equations.
- Data elements in the following data category are proposed to be neither emission data nor CBI. Therefore, the data elements in the following data category would be released to the public:
 - Test and Calibration Methods.
- Data elements in the following data categories are proposed to be treated as CBI and would qualify as CBI. Therefore, the data elements in the following data categories would not be released to the public:
 - Production/Throughput Data (that are not inputs to emission equations);
 - Raw Materials Data (that are not inputs to emission equations); and
 - Detailed Process Specific and Vendor Information Submitted in Petitions to Extend the Use of BMM.
- EPA proposed CBI determinations for most of the individual data elements in the following categories; some are proposed to be CBI and some are proposed not to qualify for CBI protection (and would be released to the public). For several data elements in these categories, no CBI determination has been made. EPA proposes to evaluate the confidentiality status of these data elements on a case-by-case basis, in accordance with existing CBI regulations in 40 CFR, part 2, subpart B:
 - Unit Static Characteristics (that are not inputs to emission equations); and
 - Unit Operating Characteristics (that are not inputs to emission equations).

Next Steps and Implementation

- This proposal will be published in the *Federal Register* and will be available at www.regulations.gov.
- A prepublication version is available on our Web site at: <http://www.epa.gov/climatechange/emissions/subpart/i.html>
- **The public comment period is open for 60 days after publication in the *Federal Register*.**
- **After consideration of public comments, EPA intends to issue a final rule in 2013.**

More Information

For more information on the GHGRP, including guidance and a schedule of training opportunities, please visit EPA's GHG Mandatory Reporting Rule Website: www.epa.gov/climatechange/emissions/ghgrulemaking.html.

For more information on the rulemakings related to CBI under the GHGRP:
<http://www.epa.gov/climatechange/emissions/CBI.html>.

For more information on subpart I: <http://www.epa.gov/climatechange/emissions/subpart/i.html>.