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# memorandum

DATE: April 28, 2000

REPLY TO:  
ATTN OF: Office of Environmental Policy and Guidance:Banicki:65193

SUBJECT: Proposed Regulations for Public Access to Off-Site Consequence Analysis (OCA) Information Collected Under Section 112(r)(7) of the Clean Air Act as Part of the Risk Management Program

TO: Distribution

On April 27, 2000, the Environmental Protection Agency (EPA) and the Department of Justice (DOJ) issued a proposed rule in the *Federal Register* (65 FR 24834) pertaining to regulations governing public access to information concerning the potential off-site consequences of accidental releases from industrial facilities. Off-site Consequence Analysis (OCA) information, which includes "worst-case scenarios," is information collected under Section 112(r)(7) of the Clean Air Act, as part of regulated facilities' Risk Management Plans (RMPs). Currently, water treatment facilities at two Department of Energy sites (Hanford and Y-12) are affected by this proposed rule and have submitted RMPs.

The 1999 Chemical Safety Information, Site Security and Fuels Regulatory Act required the government to assess both the chemical risk reduction benefits of allowing public access to OCA information and the increased risk of terrorist and other criminal activity from posting the information on the Internet. The proposed rule would allow public access to the OCA portions of the RMPs in ways that minimize the likelihood of accidents as well as the increased risk of terrorist and criminal activity associated with Internet posting.

Please review the *Federal Register* notice (available on the Office of Environmental Policy and Guidance [EH-41] web site at: <http://tis.eh.doe.gov/oeпа/rules/65/65fr24834.pdf>), and provide written comments on the proposed rule to Lee Banicki of my staff by May 25, 2000, at: ([leroy.banicki@eh.doe.gov](mailto:leroy.banicki@eh.doe.gov); 202-586-5193).

Raymond P. Berube  
Acting Director  
Office of Environmental Policy  
and Guidance

Prepared by: Lee Banicki

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Clean Air

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